

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0373

HOUSE APPROPRIATIONS ENGROSSED NO. **HB 1027** - 1/28/2010

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to construct a visitor
2 center on the grounds of McCrory Gardens on the campus of South Dakota State University,
3 to accept donations for such purpose, to make an appropriation therefor, and to declare an
4 emergency.

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

6 Section 1. The Board of Regents may contract for the construction, completion, furnishing,
7 equipping, and maintaining of, including heating, air conditioning, plumbing, water, sewer,
8 electric facilities, sidewalks, parking, landscaping, architectural and engineering services, and
9 such other services or actions as may be required to construct a visitor center, not to exceed ten
10 thousand gross square feet, on the grounds of McCrory Gardens on the campus of South Dakota
11 State University, in Brookings, South Dakota.

12 Section 2. There is hereby appropriated from other fund expenditure authority the sum of
13 four million dollars (\$4,000,000), or so much thereof as may be necessary, to the Board of
14 Regents, payable from funds donated for the purposes of this Act, for the total project cost
15 authorized by this Act.



1 Section 3. Expenditure authority may be increased based on the receipt of grants or
2 donations received pursuant to this Act. However, no adjustment to any cost estimate may
3 exceed one hundred twenty-five percent of the authorized expenditure authority stated in section
4 2 of this Act. No increase in gross square footage authorized by section 1 of this Act may exceed
5 ten percent. Any increase in gross square footage may only be made to accommodate design
6 changes needed to comply with building code requirements and to address unforeseeable
7 structural, subsoil, or environmental conditions.

8 Section 4. The design and construction of the facility authorized in this Act shall be under
9 the general supervision of the Bureau of Administration as provided in chapter 5-14. The
10 commissioner of the Bureau of Administration and the executive director of the Board of
11 Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures
12 authorized by this Act. No contract for construction may be issued until the donated funds
13 referred to in section 2 of this Act have been accumulated sufficient to pay for the construction,
14 completion, furnishing, equipping, including heating, air conditioning, plumbing, water, sewer,
15 electric facilities, sidewalks, parking, landscaping, and architectural and engineering services,
16 required to construct the facility.

17 Section 5. For the purposes of this Act, the term, gross square footage, means the sum of all
18 areas on all floors of a building included within the outside faces of the building's exterior walls,
19 including floor penetration areas, however insignificant, for circulation and shaft areas that
20 connect one floor to another as computed by physically measuring or scaling measurements
21 from the outside faces of exterior walls, disregarding cornices, pilaster, buttresses, etc., which
22 extend beyond the wall faces. The term includes excavated basement area; mezzanines,
23 penthouses, and attics; garages; multiple floor parking structures; enclosed porches, inner or
24 outer balconies whether walled or not, if the balconies are utilized for operational functions; and

1 corridors whether walled or not, if the corridors are within the outside face lines of the building,
2 to the extent of the roof drip line and the footprints of stairways, elevator shafts, and ducts on
3 each floor through which the corridors pass. The term does not include open areas such as
4 unenclosed parking lots, playing fields, courts, and light wells, clear span areas not exceeding
5 three feet in height, or portions of upper floors eliminated by rooms or lobbies that rise above
6 single-floor height.

7 Section 6. Whereas, this Act is necessary for the support of the state government and its
8 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
9 full force and effect from and after its passage and approval.

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0340

HOUSE ENGROSSED NO. **HB 1042** - 2/11/2010

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

1 FOR AN ACT ENTITLED, An Act to increase certain billboard permit fees.

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

3 Section 1. That § 31-29-71.1 be amended to read as follows:

4 31-29-71.1. Any application for the permit required by § 31-29-71 shall be accompanied by
5 the fee specified by the following schedule:

6 (1) If the advertising area does not exceed ~~fifty one hundred~~ fifty one hundred square feet, the fee is ~~eight~~
7 fifteen dollars;

8 (2) If the area exceeds ~~fifty one hundred~~ square feet but does not exceed three hundred
9 square feet, the fee is ~~twelve~~ twenty dollars;

10 (3) If the area exceeds three hundred square feet but does not exceed five hundred square
11 feet, the fee is ~~sixteen~~ thirty dollars;

12 (4) If the area exceeds five hundred square feet but does not exceed ~~six~~ seven hundred
13 square feet, the fee is ~~twenty~~ forty dollars;

14 (5) If the area exceeds seven hundred square feet but does not exceed nine hundred
15 square feet, the fee is fifty dollars;



1 (6) If the area exceeds nine hundred square feet but does not exceed one thousand one
2 hundred square feet, the fee is seventy-five dollars;

3 (7) If the area exceeds ~~six~~ one thousand one hundred square feet, the fee is ~~thirty-two~~ one
4 hundred dollars.

5 A sign less than sixty-five square feet owned and maintained by a church is exempt from
6 the fees under this section.

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0278

HOUSE APPROPRIATIONS ENGROSSED NO. **HB 1048** - 1/28/2010

Introduced by: The Committee on Appropriations at the request of the Department of
Military and Veterans Affairs

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to a previous
2 appropriation for National Guard armory construction.

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

4 Section 1. That section 7 of chapter 177 of the 2006 Session Laws be amended to read as
5 follows:

6 Section 7. Any amounts appropriated in this Act not lawfully expended or obligated by
7 June 30, 2014, shall revert in accordance with ~~§ 4-8-21~~ the procedures prescribed in chapter 4-8.



State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0384

HOUSE APPROPRIATIONS ENGROSSED NO. **HB 1052** - 1/28/2010

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

1 FOR AN ACT ENTITLED, An Act to revise the definition of full-time equivalent to exclude
2 students employed by public postsecondary institutions.
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
4 Section 1. That subdivision (12) of § 2-14-2 be amended to read as follows:
5 (12) "Full-time equivalent" or "FTE," a number which designates staffing level where one
6 full-time equivalent position is equal to the number of days, Monday through Friday,
7 in a fiscal year, multiplied by eight hours per day. It excludes: paid overtime hours;
8 hours paid to an employee assigned to a light duty position as approved by the
9 commissioner of the Bureau of Personnel due to a temporary partial disability as
10 defined in subdivision 62-1-1(8); hours paid for accumulated annual leave and sick
11 leave upon employee termination; hours paid to patient employees of the institutions
12 under the control of the Department of Human Services and the Department of
13 Military and Veterans Affairs; hours paid to work-study students enrolled in
14 postsecondary educational institutions or postsecondary students employed pursuant



1 to chapter 3-6B; hours paid to students enrolled in and employed by postsecondary
2 educational institutions; and hours paid to members of boards and commissions
3 pursuant to § 4-7-10.4. For purposes of salary computation a nine month or more per
4 year full-time teaching or research faculty person, or the equivalent thereof, at the
5 institutions under the jurisdiction of the Board of Regents shall be considered one
6 full-time equivalent;

7

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0257

HOUSE APPROPRIATIONS ENGROSSED NO. **HB 1056** - 1/28/2010

Introduced by: The Committee on Appropriations at the request of the Department of
Agriculture

1 FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated natural
2 resources conservation fund to the State Conservation Commission and to declare an
3 emergency.

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

5 Section 1. There is hereby appropriated from the coordinated natural resources conservation
6 fund the sum of one million dollars (\$1,000,000), or so much thereof as may be necessary, in
7 accordance with subdivision 10-47B-149(4), to the State Conservation Commission.

8 Section 2. The State Conservation Commission shall approve vouchers and the state auditor
9 shall draw warrants to pay expenditures authorized by this Act.

10 Section 3. Any amounts appropriated in this Act not lawfully expended or obligated shall
11 revert in accordance with the procedures prescribed in chapter 4-8.

12 Section 4. Whereas, this Act is necessary for the support of the state government and its
13 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
14 full force and effect from and after its passage and approval.



State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

228R0499

SENATE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **SB 75** - 2/2/2010

Introduced by: Senators Maher, Bartling, Bradford, Garnos, Hanson (Gary), Novstrup (Al), Peterson, Rhoden, and Vehle and Representatives Hoffman, Brunner, Carson, Frerichs, Hamiel, Jensen, McLaughlin, Olson (Betty), Russell, Schrempp, Sly, Sorenson, Street, Verchio, and Wink

1 FOR AN ACT ENTITLED, An Act to define certain terms for livestock identification purposes.

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

3 Section 1. That chapter 40-3 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 For purposes of §§ 40-3-27 to 40-3-29, inclusive, the term, voluntary, means an informed
6 act of free choice that is not compelled by legal obligation, fraud, undue influence, compulsion,
7 coercion, or solicitation by false, misleading, or concealed information.



State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

880R0614

SENATE STATE AFFAIRS

ENGROSSED NO. **SB 102** - 2/19/2010

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

Introduced by: Senators Knudson and Heidepriem and Representatives Faehn and Hunhoff
(Bernie)

1 FOR AN ACT ENTITLED, An Act to ratify and continue the lease agreement on the Black
2 Hills Playhouse.

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

4 Section 1. The lease agreement entered into effective October 1, 1999, by the State of South
5 Dakota by and through the South Dakota Department of Game, Fish and Parks and the Black
6 Hills Playhouse, Inc., is hereby ratified and continued and shall remain in full force and effect
7 until September 30, 2019.



State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

653R0542

SENATE STATE AFFAIRS

ENGROSSED NO. **SB 104** - 2/22/2010

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

Introduced by: Senators Knudson, Abdallah, Adelstein, Bradford, Brown, Dempster, Fryslie, Gant, Garnos, Gray, Hansen (Tom), Hanson (Gary), Heidepriem, Hunhoff (Jean), Kloucek, Miles, Olson (Russell), Rhoden, Tieszen, Turbak Berry, and Vehle and Representatives Faehn, Gosch, Hamiel, Hunhoff (Bernie), Noem, Peters, Rausch, Rave, and Solberg

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding disclosure of public
2 information and public meetings.

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

4 Section 1. That chapter 1-27 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If a meeting is required to be open to the public pursuant to § 1-25-1 and if any printed
7 material relating to an agenda item of the meeting is prepared or distributed by or at the
8 direction of the governing body or any of its employees and the printed material is distributed
9 before the meeting to all members of the governing body, the material shall be posted on the
10 governing body's website at least twenty-four hours prior to the meeting or at the time the
11 material is distributed to the governing body, whichever is later. If the governing body does not
12 have a website, the printed material shall be available at the official business office of the



1 governing body at least twenty-four hours prior to the meeting or at the time the material is
2 distributed to the governing body, whichever is later. In either case, at least one copy of the
3 printed material shall be available in the meeting room for inspection by any person while the
4 governing body is considering the printed material. However, the provisions of this section do
5 not apply to any printed material or record that is specifically exempt from disclosure under the
6 provisions of this chapter or to any printed material or record regarding the agenda item of an
7 executive or closed meeting held in accordance with § 1-25-2. A violation of this section is a
8 Class 2 misdemeanor.

9 Section 2. That § 1-25-1 be amended to read as follows:

10 ~~1-25-1. Except as otherwise provided by law, the official meetings of the state and the~~
11 ~~political subdivisions thereof, including all related boards, commissions and other agencies, and~~
12 ~~the official meetings of boards, commissions and agencies created by statute or which are~~
13 ~~nontaxpaying and derive a source of revenue directly from public funds, shall be open to the~~
14 ~~public, except as provided in this chapter. It does not constitute an official meeting if members~~
15 ~~of a political subdivision of this state are attending a meeting of the state or one of its political~~
16 ~~subdivisions, a board, a commission, an association, an agency, or any other public entity for~~
17 ~~which public notice is provided pursuant to § 1-25-1.1 for the purpose of providing information~~
18 ~~or observing, and the notice requirements in § 1-25-1.1 do not apply. Meetings, including~~
19 ~~executive or closed meetings may be conducted by teleconference. Members shall be deemed~~
20 ~~present if they answer present to the roll call taken by teleconference. Any vote at a meeting held~~
21 ~~by teleconference shall be taken by roll call. Except for executive or closed meetings held by~~
22 ~~teleconference, there shall be provided one or more places at which the public may listen to and~~
23 ~~participate in the proceeding. Except for executive or closed meetings held by teleconference~~
24 ~~of related boards and commissions of the state, there shall be provided two or more places at~~

1 ~~which the public may listen to and participate in the proceeding. Except for the Digital Dakota~~
2 ~~Network, no teleconference may be used in conducting hearings or taking final disposition~~
3 ~~pursuant to § 1-26-4. Teleconference meetings are subject to the notice provisions of chapter~~
4 ~~1-25. The official meetings of the state, its political subdivisions, and public bodies are open to~~
5 ~~the public unless a specific law is cited by the state, the political subdivision, or the public body~~
6 ~~to close the official meeting to the public. A political subdivision or public body includes any~~
7 ~~association, authority, board, commission, committee, council, task force, school district,~~
8 ~~county, city, town, township, or other agency of the state, which is created or appointed by~~
9 ~~statute, ordinance, or resolution and is vested with the authority to exercise any sovereign power~~
10 ~~derived from state law.~~

11 It is not an official meeting of one political subdivision or public body if its members
12 provide information or attend the official meeting of another political subdivision or public body
13 for which the notice requirements of § 1-25-1.1 have been met.

14 Any official meeting may be conducted by teleconference as defined in § 1-25-1.2. A
15 teleconference may be used to conduct a hearing or take final disposition regarding an
16 administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers
17 present to the roll call conducted by teleconference for the purpose of determining a quorum.
18 Each vote at an official meeting held by teleconference shall be taken by roll call.

19 If the state, a political subdivision, or a public body conducts an official meeting by
20 teleconference, the state, the political subdivision, or public body shall provide one or more
21 places at which the public may listen to and participate in the teleconference meeting. The
22 requirement to provide one or more places for the public to listen to the teleconference does not
23 apply to an executive or closed meeting.

24 A violation of this section is a Class 2 misdemeanor.

1 Section 3. That chapter 1-27 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are
4 required to be kept by law shall be available for inspection by any person within ten business
5 days after the meeting. However, this section does not apply if an audio or video recording of
6 the meeting is available to the public on the governing body's website within five business days
7 after the meeting. A violation of this section is a Class 2 misdemeanor.

8 Section 4. That chapter 1-27 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 Any final recommendations, findings, or reports that result from a meeting of a committee,
11 subcommittee, task force, or other working group appointed by a governing body that meets the
12 definition of a political subdivision or public body pursuant to § 1-25-1 shall be reported in open
13 meeting to the governing body which appointed the committee, subcommittee, task force, or
14 other working group, and the governing body shall delay taking any official action on the
15 recommendations, findings, or reports until the next meeting of the governing body.

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

952R0546

SENATE STATE AFFAIRS
ENGROSSED NO. **SB 137** - 2/12/2010

Introduced by: Senators Howie, Abdallah, Adelstein, Bradford, Brown, Fryslie, Gant, Gray, Haverly, Nelson, Novstrup (Al), Rhoden, and Schmidt and Representatives Brunner, Kopp, Russell, and Verchio

1 FOR AN ACT ENTITLED, An Act to nullify certain federal health care laws within the state
2 of South Dakota.

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

4 Section 1. Pursuant to the ninth and tenth amendments to the United States Constitution, any
5 law made by Congress which interferes with the right of any person or entity to choose their
6 personal physician, private health care systems or private health care coverage, or which
7 imposes any penalty, tax, fee, or fine, of any type, for declining to purchase health care coverage
8 or participate in any particular health care system or plan, is null and void within the state of
9 South Dakota.



State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

807R0593

SENATE TRANSPORTATION ENGROSSED NO. **SB 147** - 2/19/2010

Introduced by: Senators Vehle, Ahlers, Brown, Fryslie, and Maher and Representatives
Krebs, Juhnke, and Street

1 FOR AN ACT ENTITLED, An Act to establish a legislative policy to biannually review the
2 highway needs and make appropriate adjustments.

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

4 Section 1. It is the policy of the Legislature that the annual funding for state and local
5 highways, roads, and bridges be maintained at a level sufficient to meet the needs of the state,
6 counties, municipalities, and townships. The Legislature shall monitor increases in construction,
7 maintenance, and program costs and shall ensure that the revenue sources keep pace with such
8 cost increases and inflation. If the revenue sources need to be adjusted pursuant to this section,
9 the House Transportation Committee or Senate Transportation Committee may introduce
10 legislation during the regular session held in an odd-numbered year to make appropriate
11 adjustments.



State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

398R0379

SENATE EDUCATION ENGROSSED NO. **SB 156** - 2/18/2010

Introduced by: Senators Gray, Merchant, Olson (Russell), and Tieszen and Representatives Schlekeway, Bolin, Conzet, Fargen, Hoffman, Kopp, Lederman, Lucas, Moser, Olson (Betty), Romkema, Rounds, Russell, Sorenson, Steele, Vanneman, and Verchio

1 FOR AN ACT ENTITLED, An Act to require that determinations in both adult and juvenile
2 court proceedings relative to a controlled substance violation of a high school student
3 participating in extracurricular activities be reported to the South Dakota High School
4 Activities Association and to the school administrator.

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

6 Section 1. That § 13-32-9 be amended to read as follows:

7 13-32-9. Any person adjudicated, convicted, the subject of an informal adjustment or court-
8 approved ~~juvenile~~ diversion program, or the subject of a suspended imposition of sentence or
9 suspended adjudication of delinquency for possession, use, or distribution of controlled drugs
10 or substances or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise
11 taking into the body any substances as prohibited by § 22-42-15, is ineligible to participate in
12 any extracurricular activity at any secondary school accredited by the Department of Education
13 for one calendar year from the date of adjudication, conviction, diversion, or suspended



1 imposition of sentence. The one-year suspension may be reduced to sixty school days if the
2 person participates in an assessment with a certified chemical dependency counselor or
3 completes an accredited intensive prevention or treatment program. If the assessment indicates
4 the need for a higher level of care, the student is required to complete the prescribed program
5 before becoming eligible to participate in extracurricular activities. Upon a subsequent
6 adjudication, conviction, diversion, or suspended imposition of sentence for possession, use, or
7 distribution of controlled drugs or substances or marijuana as defined in chapter 22-42, or for
8 ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-
9 15, by a court of competent jurisdiction, that person is ineligible to participate in any
10 extracurricular activity at any secondary school accredited by the Department of Education.
11 Upon such a determination in any juvenile court proceeding the Unified Judicial System shall
12 give notice of that determination to the South Dakota High School Activities Association and
13 the chief administrator of the school in which the person is participating in any extracurricular
14 activity. The Unified Judicial System shall give notice to the chief administrators of secondary
15 schools accredited by the Department of Education for any such determination in a court
16 proceeding for any person eighteen to twenty-one years of age without regard to current status
17 in school or involvement in extracurricular activities. The notice shall include name, date of
18 birth, city of residence, and offense. The chief administrator shall give notice to the South
19 Dakota High School Activities Association if any such person is participating in extracurricular
20 activities.

21 Upon placement of the person in an informal adjustment or court-approved juvenile
22 diversion program, the state's attorney who placed the person in that program shall give notice
23 of that placement to the South Dakota High School Activities Association and chief
24 administrator of the school in which the person is participating in any extracurricular activity.

1 As used in this section, the term, extracurricular activity, means any activity sanctioned by
2 the South Dakota High School Activities Association.

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

950R0660

SENATE STATE AFFAIRS ENGROSSED NO. **SB 166** - 2/17/2010

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to provide for the liquidation of the remaining property of
2 the South Dakota Cement Plant Commission, to provide for the administration and payment
3 of existing liabilities, to provide for the orderly winding up of the commission's affairs, to
4 provide for the transfer of any remaining net proceeds, and to abolish the commission.

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

6 Section 1. That chapter 5-17 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 Notwithstanding any other provision of law, including chapters 5-2, 5-7, and 5-24A, the
9 commission shall, not later than June 30, 2011, liquidate all of the commission's remaining
10 property, excluding any mineral estates owned or leased by the commission. If liquidating
11 property with an estimated fair market value of greater than one hundred dollars, the
12 commission shall dispose of the property in a manner consistent with the provisions of § 5-24A-
13 6.

14 Section 2. That chapter 5-17 be amended by adding thereto a NEW SECTION to read as
15 follows:



1 Notwithstanding any other provisions of law, the commission shall, not later than June 30,
2 2011, transfer all of the commission's right, title and interest in and to any mineral estates owned
3 or leased by the commission to the commissioner of school and public lands.

4 Section 3. Responsibility for the administration of retirement benefits of former employees
5 of the South Dakota State Cement Plant Commission is hereby transferred to the South Dakota
6 Retirement System. Benefit payments and administrative expenses of the state cement plant
7 retirement plan shall be paid from that plan's member trust fund. No funds for the payment of
8 such benefits or administrative expenses may be transferred from the member trust fund created
9 in chapter 3-12.

10 Section 4. That chapter 3-12A be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Responsibility for the administration and payment of life insurance plan benefits of former
13 employees of the South Dakota State Cement Plant Commission is hereby transferred to the
14 Bureau of Personnel.

15 Section 5. That chapter 3-12A be amended by adding thereto a NEW SECTION to read as
16 follows:

17 Responsibility for the administration and payment of workers compensation claims of
18 former employees of the South Dakota State Cement Plant Commission is hereby transferred
19 to the state employees workers' compensation program.

20 Section 6. That chapter 5-17 be amended by adding thereto a NEW SECTION to read as
21 follows:

22 Notwithstanding any other provision of law, the commission shall disburse the proceeds
23 from the liquidation of the commission's property, to the extent proceeds are available, as
24 follows:

- 1 (1) First, to pay any remaining noncontingent, liquidated liabilities of the commission;
- 2 (2) Second, the amount of three hundred fifty thousand dollars to the Bureau of
3 Personnel for the purpose of administering and paying existing and future workers
4 compensation claims and life insurance coverage of former employees of the
5 commission;
- 6 (3) Third, to the South Dakota Retirement System for the purpose of funding benefits
7 payable to former employees of the commission. The amount disbursed shall be
8 determined by the commission based upon an actuarial review for the fiscal year
9 ending June 30, 2010; and
- 10 (4) Fourth, the remainder shall be paid into the trust fund created by S.D. Const., Art.
11 XIII, § 20.

12 Section 7. The code counsel shall transfer § 5-17-5.2 to a new chapter.

13 Section 8. The code counsel shall transfer § 5-17-42 to chapter 4-5.

14 Section 9. That chapter 5-17 be repealed. The effective date of this section is June 30, 2011.

15 Section 10. The South Dakota Retirement System Board of Trustees may adopt, pursuant
16 to chapter 1-26, such rules as may be necessary to establish uniform procedures for the
17 administration of the retirement benefits of former employees of the state cement plant
18 retirement plan.

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

763R0544

SENATE COMMERCE ENGROSSED NO. **SB 169** - 2/18/2010

Introduced by: Senators Turbak Berry, Adelstein, Ahlers, Bradford, Dempster, Gillespie, Heidepriem, Maher, Merchant, Nelson, Olson (Russell), Peterson, Rhoden, and Schmidt and Representatives Cutler, Deadrick, Engels, Faehn, Gibson, Greenfield, Hamiel, Hunhoff (Bernie), Jensen, Juhnke, Kirkeby, Krebs, Lust, Moser, Nygaard, Pitts, Solberg, Solum, Turbiville, and Verchio

1 FOR AN ACT ENTITLED, An Act to limit the subrogation of certain insurers unless and until
2 the insured is made whole.

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

4 Section 1. That chapter 58-11 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No insurer under this chapter is entitled to participate in any recovery from any tortfeasor
7 on account of bodily injury or death or damage to property unless and until its insured has first
8 been made whole.



State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

591R0568

SENATE TAXATION ENGROSSED NO. **SB 172** - 2/10/2010

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

Introduced by: Senator Peterson and Representative Noem

1 FOR AN ACT ENTITLED, An Act to revise the definition for environmental upgrades used to
2 provide a property tax exemption for coal-fired power plants.

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

4 Section 1. That § 10-35-1.7 be amended to read as follows:

5 10-35-1.7. Terms as used in §§ 10-35-1.7 to 10-35-1.10, inclusive, mean:

6 (1) "Coal-fired power plant," any person, corporation, limited liability company,
7 association, company, partnership, political subdivision, municipality, rural electric
8 cooperative, consumers power district, or any group or combination acting as a unit,
9 owning or holding under lease, or otherwise, real property used, or intended for use,
10 for the conversion of coal into electric power;

11 (2) "Environmental upgrade," an investment in an existing coal-fired power plant of
12 more than ten million dollars in real or personal property that is designed to ~~reduce~~
13 ~~the plant's emission of an air pollutant to the level imposed as an emission standard~~
14 ~~at a comparable coal-fired power plant permitted under best available control~~



1 ~~technology requirements within five years preceding the application for exemption~~
2 facilitate environmental improvements, including any requirements under the Clean
3 Air Act, the Clean Water Act, or any other federal law or rule, or any state law or rule
4 implementing a federal law or rule, or any voluntary environmental measures
5 designed to protect the environment.

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

982R0648

SENATE STATE AFFAIRS
ENGROSSED NO. **SB 186** - 2/19/2010

Introduced by: Senators Gray, Abdallah, Ahlers, Bartling, Brown, Dempster, Gant, Garnos, Hansen (Tom), Jerstad, Maher, and Miles and Representatives Peters, Faehn, Gibson, Hamiel, Hunhoff (Bernie), Krebs, Noem, Novstrup (David), Olson (Betty), Rave, Rounds, Thompson, and Turbiville

1 FOR AN ACT ENTITLED, An Act to change the unemployment insurance wage base and
2 contribution rates and to declare an emergency.

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

4 Section 1. That § 61-1-35 be amended to read as follows:

5 61-1-35. As used in this title, the term, wages, means remuneration paid in a calendar year
6 to an employee by an employer or the employer's predecessor for employment during any
7 calendar year. The term includes remuneration in addition to the wages defined in this section
8 which are subject to a federal law imposing a tax against which credit may be taken for
9 contributions required to be paid into a state unemployment fund.

10 The term, wages, does not include remuneration of more than:

- 11 (1) Seven thousand dollars, from January 1, 1983, to December 31, 2006, inclusive;
- 12 (2) Eight thousand five hundred dollars, from January 1, 2007, to December 31, 2007,
13 inclusive;



- 1 (3) Nine thousand dollars, from January 1, 2008, to December 31, 2008, inclusive;
- 2 (4) Nine thousand five hundred dollars, from January 1, 2009, to December 31, 2009,
- 3 inclusive; ~~and~~
- 4 (5) Ten thousand dollars, ~~on and after~~ from January 1, 2010, to December 31, 2010,
- 5 inclusive;
- 6 (6) Eleven thousand dollars, from January 1, 2011, to December 31, 2011, inclusive;
- 7 (7) Twelve thousand dollars, from January 1, 2012, to December 31, 2012, inclusive;
- 8 (8) Thirteen thousand dollars, from January 1, 2013, to December 31, 2013, inclusive;
- 9 (9) Fourteen thousand dollars, from January 1, 2014, to December 31, 2014, inclusive;
- 10 and
- 11 (10) Fifteen thousand dollars, on and after January 1, 2015.

12 In this section, the term, employment, includes service constituting employment under any
 13 unemployment compensation law of another state.

14 Section 2. That § 61-5-18.15 be amended to read as follows:

15 61-5-18.15. The employer's reserve ratio for calendar year 2007 ~~and thereafter~~ through
 16 calendar year 2009 shall be the result obtained by dividing the balance of credits existing in the
 17 employer's experience-rating account by the total taxable payroll of the employer for the
 18 preceding three calendar years.

19	Column "A"	Column "B"
20	Contribution Rate	Reserve Ratio
21	8.50%	Less than -7.00%
22	8.00%	-7.00% and Less than -6.50%
23	7.50%	-6.50% and Less than -6.00%
24	7.00%	-6.00% and Less than -5.50%
25	6.50%	-5.50% and Less than -5.00%

1	6.00%	-5.00% and Less than -4.50%
2	5.50%	-4.50% and Less than -4.00%
3	5.00%	-4.00% and Less than -3.50%
4	4.50%	-3.50% and Less than -3.00%
5	4.00%	-3.00% and Less than -2.50%
6	3.50%	-2.50% and Less than -2.00%
7	3.00%	-2.00% and Less than -1.50%
8	2.50%	-1.50% and Less than -1.00%
9	2.00%	-1.00% and Less than -0.50%
10	1.50%	-0.50% and Less than 0.00%
11	1.00%	0.00% and Less than 0.20%
12	0.90%	0.20% and Less than 0.40%
13	0.80%	0.40% and Less than 0.60%
14	0.70%	0.60% and Less than 0.80%
15	0.60%	0.80% and Less than 1.00%
16	0.50%	1.00% and Less than 1.20%
17	0.40%	1.20% and Less than 1.30%
18	0.30%	1.30% and Less than 1.40%
19	0.20%	1.40% and Less than 1.50%
20	0.10%	1.50% and Less than 1.60%
21	0.00%	1.60% and Over

22 Section 3. That chapter 61-5 be amended by adding thereto a NEW SECTION to read as
23 follows:

24 The employer's reserve ratio for calendar year 2010 and thereafter shall be the result
25 obtained by dividing the balance of credits existing in the employer's experience-rating account
26 by the total taxable payroll of the employer for the preceding three calendar years.

	Column "A"	Column "B"
	Contribution Rate	Reserve Ratio
1		
2		
3	9.50%	Less than -6.50%
4	9.00%	-6.50% and Less than -6.00%
5	8.50%	-6.00% and Less than -5.50%
6	8.00%	-5.50% and Less than -5.00%
7	7.50%	-5.00% and Less than -4.50%
8	7.00%	-4.50% and Less than -4.00%
9	6.50%	-4.00% and Less than -3.50%
10	6.00%	-3.50% and Less than -3.00%
11	5.50%	-3.00% and Less than -2.50%
12	5.00%	-2.50% and Less than -2.00%
13	4.50%	-2.00% and Less than -1.50%
14	4.00%	-1.50% and Less than -1.00%
15	3.50%	-1.00% and Less than -0.75%
16	3.00%	-0.75% and Less than -0.50%
17	2.50%	-0.50% and Less than -0.25%
18	2.00%	-0.25% and Less than 0.00%
19	1.50%	0.00% and Less than 0.50%
20	1.25%	0.50% and Less than 0.75%
21	1.00%	0.75% and Less than 1.00%
22	0.50%	1.00% and Less than 1.25%
23	0.35%	1.25% and Less than 1.50%
24	0.20%	1.50% and Less than 2.00%
25	0.10%	2.00% and Less than 2.50%
26	0.00%	2.50% and Over

27 The contribution rates provided in this section apply to and are retroactive to taxable wages
28 paid on and after January 1, 2010.

29 Section 4. That § 61-5-23 be amended to read as follows:

1 61-5-23. If on the last day of any calendar quarter, the amount in the unemployment
 2 compensation fund, as established by § 61-4-1, including amounts receivable as federal
 3 reimbursements due the state for shareable benefit payments, is less than any amount appearing
 4 in Column A below, then all employers' rates shall be increased by the amount appearing in
 5 Column B opposite the lowest amount in Column A under which the fund has been reduced:

6	Column A	Column B
7	Balance in Fund	Rates
8	\$11,000,000	.1 %
9	10,500,000	.2 %
10	10,000,000	.3 %
11	9,500,000	.4 %
12	9,000,000	.5 %
13	8,500,000	.6 %
14	8,000,000	.7 %
15	7,500,000	.8 %
16	7,000,000	.9 %
17	6,500,000	1.0 %
18	6,000,000	1.25%
19	5,500,000	1.5 %

20 The increased contribution rates apply to taxable wages paid on and after the first day of the
 21 immediately following calendar quarter. The rates shall remain in effect until the balance in the
 22 unemployment fund on the last day of any quarter is equal to or greater than one hundred fifty
 23 percent of the highest amount appearing in Column A. The increased rate shall be one-tenth of
 24 one percent if the balance in the fund is one hundred percent or more but less than one hundred
 25 fifty percent of the highest amount appearing in Column A. However under no circumstances
 26 may any employer be required to pay contributions at a rate including the adjustment percentage,

1 of more than ~~ten and one-half~~ twelve percent. ~~However, the increased contribution rates do not~~
2 ~~apply to wages paid from July 1, 2006, to June 30, 2009, inclusive, unless the amount in the~~
3 ~~fund at the end of any quarter in that period is two million dollars or less. However, the~~
4 increased contribution rates under this section shall not exceed one percent for taxable wages
5 paid from January 1, 2010, through December 31, 2010, and may not exceed seventy-five
6 hundredths of one percent for taxable wages paid from January 1, 2011, through December 31,
7 2011. Effective January 1, 2012, any rate increase based on this section will remain in effect for
8 four consecutive calendar quarters. The rate for the second, third, and fourth quarters may
9 increase based on the fund balance on the last day of the immediately prior quarter, but may not
10 decrease from the prior quarter during the four consecutive quarters.

11 The contribution rates provided in this section apply to and are retroactive to taxable wages
12 paid on and after January 1, 2010.

13 Section 5. Whereas, this Act is necessary for the support of the state government and its
14 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
15 full force and effect from and after its passage and approval.

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

735R0749

SENATE STATE AFFAIRS

ENGROSSED NO. **SB 195** - 2/22/2010

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

Introduced by: Senators Gray, Dempster, Knudson, and Rhoden and Representatives Faehn, Rave, and Tidemann

1 FOR AN ACT ENTITLED, An Act to revise the refunds for new or expanded agricultural
2 facilities and new or expanded business facilities, to repeal the contractors' excise tax on
3 new or expanded power production facilities, and to make certain transfers to the revolving
4 economic development and initiative fund.

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

6 Section 1. That § 10-45B-2 be amended to read as follows:

7 10-45B-2. ~~Any person~~ As provided in this chapter, any person holding a permit issued
8 pursuant to § 10-45B-6 may apply for and obtain a refund or credit for contractors' excise taxes
9 imposed and paid under the provisions of chapter 10-46A for the construction of a new
10 agricultural processing facility and for sales or use taxes imposed and paid by such person under
11 the provisions of chapters 10-45 and 10-46 for the purchase or use of agricultural processing
12 equipment.

13 Section 2. That § 10-45B-4 be repealed.

14 ~~10-45B-4. The refund of taxes for a new agricultural processing facility pertains only to~~



1 ~~project costs incurred and paid after April 1, 1997, and within thirty-six months of the~~
2 ~~construction date as stated on the application required by § 10-45B-6. No refund may be made~~
3 ~~unless:~~

4 ~~— (1) — The project cost exceeds the sum of four million five hundred thousand dollars; and~~

5 ~~— (2) — The person applying for the refund obtains a permit from the secretary as set forth in~~
6 ~~§ 10-45B-6.~~

7 Section 3. That § 10-45B-4.1 be repealed.

8 ~~— 10-45B-4.1. The refund of taxes pursuant to § 10-45B-2.1 pertains only to project costs~~
9 ~~incurred and paid after February 1, 2005, up to and including thirty-six months from the~~
10 ~~construction date if the project costs are sixty million dollars or less and after February 1, 2005,~~
11 ~~up to and including seventy-two months from the construction date if the project costs are more~~
12 ~~than sixty million dollars. There is no refund if the person applying for the refund does not~~
13 ~~obtain a permit from the secretary as set forth in § 10-45B-6.~~

14 ~~— Upon a showing of good cause, the time limits prescribed by this section may be extended~~
15 ~~by the secretary for a period not to exceed twenty-four months.~~

16 Section 4. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as
17 follows:

18 The refund of taxes pursuant to §§ 10-45B-2 and 10-45B-2.1 pertains only to project costs
19 incurred and paid after January 1, 2008, up to and including thirty-six months from the
20 construction date. No refund may be paid unless the person applying for the refund obtains a
21 permit from the secretary as set forth in § 10-45B-6.

22 Section 5. That § 10-45B-5 be repealed.

23 ~~— 10-45B-5. If the project cost for a new agricultural processing facility exceeds four million~~
24 ~~five hundred thousand dollars, the refund shall be one hundred percent of the taxes attributed~~

1 to the project cost.

2 Section 6. That § 10-45B-5.1 be repealed.

3 ~~10-45B-5.1. The amount of the tax refund for a new business facility shall be a percentage~~
4 ~~of the taxes paid, as follows:~~

5 ~~(1) For project costs of less than ten million dollars, there shall be no refund;~~

6 ~~(2) For project costs of ten or more million dollars but less than fifteen million dollars~~
7 ~~there shall be a refund of twenty-five percent of the taxes paid;~~

8 ~~(3) For project costs of fifteen or more million dollars but less than twenty million~~
9 ~~dollars there shall be a refund of thirty-three percent of the taxes paid;~~

10 ~~(4) For project costs of twenty or more million dollars but less than forty million dollars~~
11 ~~there shall be a refund of fifty percent of the taxes paid;~~

12 ~~(5) For project costs of forty or more million dollars but less than sixty million dollars~~
13 ~~there shall be a refund of sixty-seven percent of the taxes paid;~~

14 ~~(6) For project costs of sixty million dollars or more but less than six hundred million~~
15 ~~dollars there shall be a refund of seventy-five percent of the taxes paid; and~~

16 ~~(7) For project costs of six hundred million dollars and greater there shall be a refund of~~
17 ~~ninety percent of the taxes paid.~~

18 Section 7. That § 10-45B-6.1 be repealed.

19 ~~10-45B-6.1. Any person issued a permit pursuant to this chapter prior to March 31, 1997,~~
20 ~~may continue to submit claims for the project.~~

21 Section 8. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as
22 follows:

23 Notwithstanding any provision of chapter 10-45B or this Act, this section controls the
24 amount of refunds payable under chapter 10-45B for any new agricultural processing facility

1 or new business facility that has a construction date before July 1, 2010:

2 (1) For project costs incurred and paid before July 1, 2010, the amount of the refund
3 shall be determined by applying the provisions of chapter 10-45B in effect prior to
4 the effective date of this Act;

5 (2) For project costs incurred before July 1, 2011, and paid from July 1, 2010, to June 30,
6 2011, inclusive, the amount of the refund shall be as follows:

7 (a) For project costs of less than ten million dollars, there shall be no refund;

8 (b) For project costs of ten or more million dollars but less than forty million
9 dollars, there shall be a refund of forty percent of the taxes paid;

10 (c) For project costs of forty or more million dollars but less than five hundred
11 million dollars, there shall be a refund of fifty percent of the taxes paid; and

12 (d) For project costs of five hundred million or more dollars, there shall be no
13 refund;

14 When applying subdivision (2) of this section, all the project costs described in
15 subdivision (1) of this section shall be utilized to determine which refund subsection
16 or subsections apply in subdivision (2) of this section;

17 (3) For project costs incurred before July 1, 2012, and paid from July 1, 2011, to June 30,
18 2012, inclusive, the amount of the refund shall be as follows:

19 (a) For project costs of less than ten million dollars, there shall be no refund;

20 (b) For project costs of ten or more million dollars but less than forty million
21 dollars, there shall be a refund of forty percent of the taxes paid;

22 (c) For project costs of forty or more million dollars but less than five hundred
23 million dollars, there shall be a refund of twenty-five percent of the taxes paid;

24 and

1 (d) For project costs of five hundred million or more dollars, there shall be no
2 refund;

3 When applying subdivision (3) of this section, all the project costs described in
4 subdivisions (1) and (2) of this section shall be utilized to determine which refund
5 subsection or subsections apply in subdivision (3) of this section; and

6 (4) For project costs incurred before July 1, 2012, and paid after July 1, 2012, or for
7 project costs incurred and paid after June 30, 2012, the amount of the refund shall be
8 as follows:

9 (a) For project costs of less than ten million dollars, there shall be no refund;

10 (b) For project costs of ten or more million dollars but less than forty million
11 dollars, there shall be a refund of forty percent of the taxes paid; and

12 (c) For project costs of forty or more million dollars, there shall be no refund;

13 When applying subdivision (4) of this section, all the project costs described in
14 subdivisions (1), (2), and (3) of this section shall be utilized to determine which
15 refund subsection or subsections apply in subdivision (4) of this section.

16 Section 9. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as
17 follows:

18 Notwithstanding any provision of chapter 10-45B or this Act, this section controls the
19 amount of refunds payable under chapter 10-45B for any new agricultural processing facility
20 or new business facility that has a construction date on or after July 1, 2010:

21 (1) For project costs incurred and paid before July 1, 2011, the amount of the refund
22 shall be as follows:

23 (a) For project costs of less than ten million dollars, there shall be no refund;

24 (b) For project costs of ten or more million dollars but less than forty million

1 dollars, there shall be a refund of forty percent of the taxes paid;

2 (c) For project costs of forty or more million dollars but less than five hundred
3 million dollars, there shall be a refund of fifty percent of the taxes paid; and

4 (d) For project costs of five hundred million or more dollars, there shall be no
5 refund;

6 (2) For project costs incurred before July 1, 2012, and paid from July 1, 2011, to June 30,
7 2012, inclusive, the amount of the refund shall be as follows:

8 (a) For project costs of less than ten million dollars, there shall be no refund;

9 (b) For project costs of ten or more million dollars but less than forty million
10 dollars, there shall be a refund of forty percent of the taxes paid;

11 (c) For project costs of forty or more million dollars but less than five hundred
12 million dollars, there shall be a refund of twenty-five percent of the taxes paid;
13 and

14 (d) For project costs of five hundred million or more dollars, there shall be no
15 refund;

16 When applying subdivision (2) of this section, all the project costs described in
17 subdivision (1) of this section shall be utilized to determine which refund subsection
18 or subsections apply in subdivision (2) of this section; and

19 (3) For project costs incurred before July 1, 2012, and paid after July 1, 2012, or for
20 project costs incurred and paid after June 30, 2012, the amount of the refund shall be
21 as follows:

22 (a) For project costs of less than ten million dollars, there shall be no refund;

23 (b) For project costs of ten or more million dollars but less than forty million
24 dollars, there shall be a refund of forty percent of the taxes paid;

1 (c) For project costs of forty or more million dollars, there shall be no refund;
2 When applying subdivision (3) of this section, all the project costs described in
3 subdivisions (1) and (2) of this section shall be utilized to determine which refund
4 subsection or subsections apply in subdivision (3) of this section.

5 Section 10. That § 10-45B-8 be amended to read as follows:

6 10-45B-8. Any person issued a permit pursuant to this chapter shall submit a claim for
7 refund to the department no more frequently than on or before the last day of each month and
8 no less frequently than on or before the last day of each month following each calendar quarter.
9 The secretary shall determine and pay the amount of the tax refund within ninety days of receipt
10 of the claim for refund. Ninety-five percent of the amount of refund shall be paid to the claimant
11 in accordance with §§ 10-59-22 and 10-59-23, and five percent shall be withheld by the
12 department. No interest may be paid on the refund amount. ~~If electronic funds transfer is~~
13 ~~available to the secretary, the secretary shall pay the refund by electronic funds transfer if~~
14 ~~requested by the claimant. The secretary shall pay the refund by electronic funds transfer.~~

15 Section 11. That § 10-45B-8.1 be repealed.

16 ~~— 10-45B-8.1. No claim for refund pursuant to this chapter may be considered by the~~
17 ~~department if the claim for refund is received after the following applicable time period:~~

18 ~~— (1) — Twelve months after the thirty-six month time period of § 10-45B-4;~~

19 ~~— (2) — Twelve months after the thirty-six month time period of § 10-45B-4.1 for projects~~
20 ~~with project costs of sixty million dollars or less;~~

21 ~~— (3) — Twelve months after the seventy-two month time period of § 10-45B-4.1 for projects~~
22 ~~with project costs of more than sixty million dollars; or~~

23 ~~— (4) — Twelve months after the extended time period of § 10-45B-4.1 for projects that have~~
24 ~~obtained a time limit extension from the secretary.~~

1 ~~Moreover, any such claim is barred from any future refund eligibility.~~

2 Section 12. That chapter 10-45B be amended by adding thereto a NEW SECTION to read
3 as follows:

4 No claim for refund pursuant to this chapter may be considered by the department if the
5 claim for refund is received twelve months after the thirty-six month time period of section 4
6 of this Act. Moreover, any such claim is barred from any future refund eligibility.

7 Section 13. That § 10-45B-8.2 be repealed.

8 ~~10-45B-8.2. No document or record in support of any claim for refund may be considered~~
9 ~~by the department if the documents or records in support of any claim for refund are received~~
10 ~~after the following applicable time period:~~

11 ~~(1) Twelve months after the thirty-six month time period of § 10-45B-4;~~

12 ~~(2) Twelve months after the thirty-six month time period of § 10-45B-4.1 for projects~~
13 ~~with project costs of sixty million dollars or less;~~

14 ~~(3) Twelve months after the seventy-two month time period of § 10-45B-4.1 for projects~~
15 ~~with project costs of more than sixty million dollars; or~~

16 ~~(4) Twelve months after the extended time period of § 10-45B-4.1 for projects that have~~
17 ~~obtained a time limit extension from the secretary.~~

18 ~~Moreover, any such document or record is barred from any future consideration.~~

19 ~~However, if the department requests any additional document or record from the project~~
20 ~~owner after a review of the claim for refund, and the request is made after the applicable time~~
21 ~~period provided by this section has expired, the project owner has sixty days to provide the~~
22 ~~requested document or record. No document or record received after this sixty-day period may~~
23 ~~be considered by the department. Moreover, any such document or record is barred from any~~
24 ~~future consideration.~~

1 Section 14. That chapter 10-45B be amended by adding thereto a NEW SECTION to read
2 as follows:

3 No document or record in support of any claim for refund may be considered by the
4 department if the document or record in support of any claim for refund is received twelve
5 months after the thirty-six month time period of section 4 of this Act. Moreover, any such
6 document or record is barred from any future consideration.

7 However, if the department requests any additional document or record from the project
8 owner after a review of the claim for refund, and the request is made after the applicable time
9 period provided by this section has expired, the project owner has sixty days to provide the
10 requested document or record. No document or record received after this sixty-day period may
11 be considered by the department. Moreover, any such document or record is barred from any
12 future consideration.

13 Section 15. That § 10-45B-8.3 be repealed.

14 ~~10-45B-8.3. The provisions of §§ 10-45B-8.1 and 10-45B-8.2 apply to refunds for projects
15 only if the permit was applied for after June 30, 2009.~~

16 Section 16. That § 10-45B-9 be amended to read as follows:

17 10-45B-9. The amounts withheld by the department in accordance with § 10-45B-8 shall be
18 retained until the project has been completed and the claimant has met all the conditions of ~~§ 10-~~
19 ~~45B-4 or 10-45B-4.1~~ section 4 of this Act, at which time all sums retained shall be paid to
20 claimant.

21 Section 17. That chapter 10-46C be repealed.

22 Section 18. That chapter 10-45B be amended by adding thereto a NEW SECTION to read
23 as follows:

24 The department shall transfer to the revolving economic development and initiative fund

1 established by § 1-16G-3 an amount equal to ten percent per fiscal year of the sales, use, and
2 contractors' excise taxes paid on projects receiving a refund under section 9 of this Act. The
3 total amount transferred pursuant to this section per fiscal year may not exceed ten million
4 dollars.