

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0168

SENATE BILL NO. 11

Introduced by: The Committee on Commerce and Energy at the request of the Governor's
Office of Economic Development

1 FOR AN ACT ENTITLED, An Act to authorize the Governor's Office of Economic
2 Development to create and administer a working capital loan and grant program.

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

4 Section 1. That chapter 1-53 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 There is established within the state treasury a fund to be known as the small business credit
7 initiative fund for the purpose of making grants and loans for economic development as
8 permitted by the Small Business Jobs Act of 2010, 12 U.S.C. 54.

9 Section 2. That chapter 1-53 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 The Governor's Office of Economic Development may accept and expend for the purposes
12 of this Act any funds previously received or to be obtained from federal sources and any funds
13 to be obtained from gifts, contributions, or any other source if such acceptance and expenditure
14 is reported as required by § 4-7-7.2.

15 Section 3. That chapter 1-53 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 Any repayment of loans and interest thereon shall be receipted into the small business credit
3 initiative fund and expended by the Governor's Office of Economic Development for the
4 following purposes:

5 (1) The payment of administrative costs as permitted pursuant to U.S. Office of
6 Management and Budget Circular A-87, Revised, as applicable, as in effect on
7 January 1, 2012;

8 (2) The payment of taxes and liens and for the procuring of legal services and any other
9 services necessary to protect, recover, maintain, or liquidate the assets of the small
10 business credit initiative fund as permitted pursuant to U.S. Office of Management
11 and Budget Circular A-87, Revised, as applicable, as in effect on January 1, 2012;
12 and

13 (3) The purpose of making grants and loans for economic development as permitted by
14 the Small Business Jobs Act of 2010, 12 U.S.C. 54.

15 Section 4. That chapter 1-53 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 The Governor's Office of Economic Development may take title by foreclosure or transfer
18 in lieu of foreclosure to any property given as security if the acquisition is necessary to protect
19 or collect any small business credit initiative loan or recoup a grant and may sell, transfer, or
20 convey any such property to any responsible buyer.

21 Section 5. That chapter 1-53 be amended by adding thereto a NEW SECTION to read as
22 follows:

23 The meetings and deliberations of the Governor's Office of Economic Development
24 concerning small business credit initiative loans and grants are confidential and are exempt from

1 public disclosure. Any documentary material or data made or received by the Governor's Office
2 of Economic Development for the purpose of acting upon an application for a small business
3 credit initiative loan or grant or administering the loan or grant, to the extent that such material
4 or data consists of trade secrets or commercial or financial information regarding the operation
5 of such business, are not considered public records, and are exempt from disclosure. Nothing
6 in this section prohibits the disclosure of confidential information to the extent necessary to
7 collect or recoup the loan or grant or as may be required under applicable federal law.