

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0168

SENATE COMMERCE AND ENERGY ENGROSSED NO. **SB 11** - 1/31/2012

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 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 loans for economic development as permitted by the
8 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, expend, or loan for the
12 purposes of this Act any funds previously received or to be obtained from federal sources and
13 any funds to be obtained from gifts, contributions, or any other source if such acceptance and
14 expenditure is reported as required by § 4-7-7.2.



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

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

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

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

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

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

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

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

24 The meetings and deliberations of the Governor's Office of Economic Development

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

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

637T0119

SENATE JUDICIARY ENGROSSED NO. **SB 68** 1/31/2012

Introduced by: Senators Johnston, Buhl, and Cutler and Representatives Haggar, Abdallah, Deelstra, Hickey, Kopp, Magstadt, and Turbiville

1 FOR AN ACT ENTITLED, An Act to provide that no statute of limitations applies to certain
2 rape offenses.

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

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

5 22-22-1. Rape is an act of sexual penetration accomplished with any person under any of
6 the following circumstances:

7 (1) If the victim is less than thirteen years of age; or

8 (2) Through the use of force, coercion, or threats of immediate and great bodily harm
9 against the victim or other persons within the victim's presence, accompanied by
10 apparent power of execution; or

11 (3) If the victim is incapable, because of physical or mental incapacity, of giving consent
12 to such act; or

13 (4) If the victim is incapable of giving consent because of any intoxicating, narcotic, or
14 anesthetic agent or hypnosis; or



1 (5) If the victim is thirteen years of age, but less than sixteen years of age, and the
2 perpetrator is at least three years older than the victim.

3 A violation of subdivision (1) of this section is rape in the first degree, which is a Class C
4 felony. A violation of subdivision (2) of this section is rape in the second degree which is a
5 Class 1 felony. A violation of subdivision (3) or (4) of this section is rape in the third degree,
6 which is a Class 2 felony. A violation of subdivision (5) of this section is rape in the fourth
7 degree, which is a Class 3 felony. Notwithstanding the provisions of § 23A-42-2-a, no statute
8 of limitations applies to any charge brought pursuant to subdivisions (1) or (2) of this section
9 may be commenced at any time prior to the time the victim becomes age twenty-five or within
10 seven years of the commission of the crime, whichever is longer. Otherwise a charge brought
11 pursuant to this section may be commenced at any time prior to the time the victim becomes of
12 age twenty-five or within seven years of the commission of the crime, whichever is longer.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

754T0595

SENATE JUDICIARY ENGROSSED NO. **SB 76** 1/31/2012

Introduced by: Senators Olson (Russell), Brown, Frerichs, Johnston, Maher, Novstrup (Al), Peters, and Rhoden and Representatives Kirkeby, Abdallah, Boomgarden, Cronin, Deelstra, Dryden, Gibson, Kloucek, Munsterman, Nelson (Stace), Olson (Betty), Rausch, Sigdestad, Turbiville, and Willadsen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the retirement of
2 justices and judges.

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

4 Section 1. That § 16-1-4.1 be amended to read as follows:

5 16-1-4.1. A justice of the Supreme Court is automatically retired on the first Tuesday after
6 the first Monday of January next after the general election at which members of the Legislature
7 are elected immediately following the attainment of age seventy of such justice. Such justice
8 shall conclude all matters pending before him or her unless the Supreme Court makes other
9 provisions for the disposition of such matters. Moreover, the Chief Justice of the Supreme Court
10 may, from year to year, permit such justice to continue to serve, after attaining retirement age,
11 for all or any portion of the unexpired term.

12 Section 2. That § 16-6-31 be amended to read as follows:

13 16-6-31. A judge of a circuit court is automatically retired on the first Tuesday after the first



1 Monday of January next after the general election at which members of the Legislature are
2 elected immediately following the attainment of age seventy of such judge. Such judge shall
3 conclude all matters pending before him or her unless the Supreme Court makes other
4 provisions for the disposition of such matters. Moreover, the Chief Justice of the Supreme Court
5 may, from year to year, permit such judge to continue to serve, after attaining retirement age,
6 for all or any portion of the unexpired term.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

943T0484

SENATE JUDICIARY ENGROSSED NO. **SB 86** 1/31/2012

Introduced by: Senators Tidemann, Brown, Frerichs, Haverly, Hunhoff (Jean), Peters, Putnam, Rhoden, and Vehle and Representatives Kirkeby, Brunner, Dennert, Gibson, Hansen (Jon), Moser, Munsterman, Perry, Turbiville, and Wink

1 FOR AN ACT ENTITLED, An Act to grant limited immunity from arrest and prosecution for
2 certain alcohol consumption related offenses to persons who assist certain persons in need
3 of emergency assistance or who are themselves in need of emergency assistance.

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

5 Section 1. No person may be arrested and prosecuted for any violation of § 35-9-2 if that
6 person contacts any law enforcement or emergency medical services and reports that a person
7 under twenty-one years of age is in need of medical assistance due to alcohol consumption.
8 However, to acquire limited immunity from arrest and prosecution pursuant to this Act, a person
9 must:

- 10 (1) Assist the person in need of emergency medical assistance until assistance arrives;
11 and
12 (2) Remain and cooperate with the emergency medical assistance and law enforcement
13 personnel on the scene.

14 No more than one person is entitled to acquire limited immunity from arrest and prosecution



1 per incident of need. If more than one person renders assistance only the person rendering the
2 most effective assistance is entitled to acquire limited immunity from arrest and prosecution.

3 Section 2. No person, under the age of twenty-one years, may be prosecuted for any
4 violation of § 35-9-2 if that person contacts any law enforcement or emergency medical services
5 and reports that he or she is in need of medical assistance due to alcohol consumption. However,
6 to acquire limited immunity from arrest and prosecution, the person must remain on the scene
7 and cooperate with the emergency medical assistance and law enforcement personnel on the
8 scene.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

636T0416

SENATE TAXATION ENGROSSED NO. **SB 91** - 1/30/2012

Introduced by: Senators Novstrup (Al), Kraus, and Peters and Representative Wick

1 FOR AN ACT ENTITLED, An Act to allow shareholders or officers of South Dakota
2 corporations or subchapter S corporations to represent the corporation in property tax
3 appeals at the Office of Hearing Examiners.

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

5 Section 1. That chapter 10-11 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Any shareholder or officer of a South Dakota corporation or a subchapter S corporation may
8 represent the corporation during a property tax appeal, pursuant to chapter 10-11, to the Officer
9 of Hearing Examiners. No South Dakota corporation or subchapter S corporation may be
10 required to be represented by an attorney during the property tax appeal before the Officer of
11 Hearing Examiners.



State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

366T0319

SENATE COMMERCE AND ENERGY ENGROSSED NO. **SB 103** - 1/31/2012

Introduced by: Senators Krebs, Frerichs, Fryslie, Hansen (Tom), Juhnke, Maher, and Nygaard and Representatives Vanneman, Boomgarden, Brunner, Dennert, Fargen, Gibson, Sigdestad, Solum, and Willadsen

1 FOR AN ACT ENTITLED, An Act to revise the procedure for cooperatives giving notice to
2 persons whose records are missing regarding ownership of securities, apportionment of
3 equity interest, money, or property.

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

5 Section 1. That § 47-16-32 be amended to read as follows:

6 47-16-32. ~~When~~ If records of a cooperative showing ownership of securities or
7 apportionment of equity interest in the assets are missing and the information ~~therein~~
8 in such records is necessary to a proposed redemption of the interest, the cooperative may give
9 notice and redeem as follows:

- 10 (1) The cooperative shall set aside an amount equal to the value of the interests to be
11 redeemed;
- 12 (2) The cooperative shall give notice of such redemption to all owners of interests of
13 which the cooperative has knowledge;
- 14 (3) If there are interests, the ownership of which is unknown to the cooperative, it shall



1 publish notice of the redemption at least once ~~a month for four months both in a~~
2 ~~publication circulated among members of cooperatives in the area, if any, and in a~~
3 ~~newspaper of general circulation in the area; in a newspaper of general circulation in~~
4 the county of this state in which is located the last known address of each person to
5 be named in the notice. If no address is listed or the address is outside this state, the
6 notice shall be published in the county in which the holder of the property has its
7 principal place of business within this state; and

8 (4) Any unclaimed outstanding interest represented by the missing records may then be
9 terminated in accordance with §§ 47-16-54 to 47-16-59, inclusive.

10 Section 2. That § 47-16-57 be amended to read as follows:

11 47-16-57. If the ~~names or addresses of the person or persons~~ name or address of any person
12 entitled to receive the money or property described in § 47-16-54 ~~are~~ is not shown upon the
13 records of the cooperative, or if the ~~names or addresses so shown are~~ name or address is known
14 by its the cooperative's secretary to be incorrect, then ~~and in that event said notice may be~~
15 ~~published as provided by § 47-16-32 and it~~ the cooperative shall publish a notice at least once
16 in a newspaper of general circulation in the county of this state in which is located the last
17 known address of each person to be named in the notice. If no address is listed or the address
18 is outside this state, the notice shall be published in the county in which the holder of the
19 property has its principal place of business within this state. The notice may state that the
20 forfeiture ~~shall become~~ becomes effective six months after the first publication.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

267T0412

SENATE EDUCATION ENGROSSED NO. **SB 106** - 1/31/2012

Introduced by: Senators Novstrup (Al), Brown, and Heineman and Representatives Moser,
Wick, and Willadsen

1 FOR AN ACT ENTITLED, An Act to require the disclosure of certain public employee
2 contracts.

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

4 Section 1. That subdivision (7) of 1-27-1.5 be amended to read as follows:

5 (7) Personnel information other than salaries and routine directory information,
6 However, this subdivision does not apply to the public inspection or copying of any
7 current or prior contract with any public employee or amounts paid or benefits
8 provided to any public employee;

9

