

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

813V0572

HOUSE BILL NO. 1213

Introduced by: Representatives Haggar (Don), Feickert, Haggar (Jenna), Killer, Kirschman, Mickelson, and Wink and Senators Maher and Sutton

1 FOR AN ACT ENTITLED, An Act to analyze and promote economic development for South
2 Dakota's Native American population, to establish certain related loan and grant programs,
3 to establish a task force, and to make an appropriation therefor.

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

5 Section 1. The state-tribal economic development partnership program is hereby established.

6 Any tribal government associated with any Indian reservation located wholly or partially in
7 South Dakota may choose to participate in the program. Under the program, the participating
8 tribe may receive grant funding from the economic development partnership fund established
9 in § 1-16G-51 in accordance with the provisions of §§ 1-16G-51 to 1-16G-53, inclusive. Grant
10 funding may be used for the following purposes:

11 (1) Provide financial assistance to the tribe to be used in establishing and implementing
12 a joint sovereign uniform commercial code (UCC) filing system agreement with the
13 South Dakota secretary of state under which the secretary of state will provide UCC
14 filing services for liens on personal property collateral that are created under the
15 tribe's secured transactions act or similar arrangement;



- 1 (2) Provide financial assistance to the tribe to be used in establishing and implementing
- 2 zoning laws and ordinances;
- 3 (3) Provide grant funding sufficient for the employment of a full-time economic
- 4 development director for the tribe.

5 Section 2. That § 1-16G-51 be amended to read as follows:

6 1-16G-51. There is hereby created in the state treasury the economic development

7 partnership fund. The Board of Economic Development may award grants to any nonprofit

8 development corporation, tribal government, municipality, county, or other political subdivision

9 of this state from the fund on a matching basis as provided in §§ 1-16G-52 and 1-16G-53.

10 Interest earned on money in the fund shall be deposited into the fund. Any money in the

11 economic development partnership fund is continuously appropriated. Any money deposited

12 into and distributed from the fund shall be set forth in an informational budget as described in

13 § 4-7-7.2.

14 Section 3. The Governor's Office of Economic Development shall administer the tribal

15 economic development loan program, which is hereby created, to provide funding for the

16 creation or development of new businesses or the expansion of existing businesses, owned or

17 operated by private persons or entities or tribal governments, that impact economic conditions

18 and resources on Indian reservations or in counties or municipalities that had Native American

19 populations of at least five percent in the most recent federal decennial census. Preference shall

20 be given to individuals who are enrolled members of an Indian tribe and entities whose

21 governing bodies consist of a majority of enrolled tribal members. The loan program shall take

22 into account the unique financial and legal needs and requirements associated with business

23 development in reservation areas and communities. The Board of Economic Development shall

24 promulgate rules pursuant to chapter 1-26 to specify the application process and timelines,

1 guidelines and criteria for approval of applications, interest rates, distribution of funds,
2 repayment procedures, and other procedures and requirements necessary for the implementation
3 of the loan program.

4 Section 4. There is hereby created in the state treasury the tribal economic development
5 program fund. The Governor's Office of Economic Development may award loans for the
6 purposes and under the terms provided in section 3 of this Act from the fund. Interest earned on
7 money in the fund shall be deposited into the fund. Any money in the tribal economic
8 development fund shall be appropriated through the normal budget process.

9 Section 5. There is hereby appropriated from the general fund the sum of five hundred
10 thousand dollars (\$500,000), or so much thereof as may be necessary, to the tribal economic
11 development fund to be used for the purposes specified in section 3 of this Act.

12 Section 6. The commissioner of the Governor's Office of Economic Development shall
13 approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by
14 this Act.

15 Section 7. Any amounts appropriated in this Act not lawfully expended or obligated by June
16 30, 2015, shall revert in accordance with the procedures prescribed in chapter 4-8.

17 Section 8. There is hereby established the South Dakota Tribal Economic Development Task
18 Force. The task force consists of the following members:

- 19 (1) For each of the nine Indian tribes located in South Dakota that chooses to participate
20 in the task force, the chairman or president of the tribe or a person designated by the
21 tribal chairman or tribal president to represent the participating tribe;
- 22 (2) The director of the Office of Tribal Government Relations;
- 23 (3) Two current or former members of the House of Representatives who have served
24 as members of the State-Tribal Relations Committee to be appointed by the speaker

1 of the House of Representatives;

2 (4) Two current or former members of the Senate who have served as members of the
3 State-Tribal Relations Committee to be appointed by the president pro tempore of the
4 Senate; and

5 (5) Five persons appointed by the Governor.

6 If a vacancy on the task force occurs, the vacancy shall be filled in the same manner as the
7 original appointment.

8 Section 9. The task force shall be under the supervision of the Executive Board of the
9 Legislative Research Council and staffed and funded as an interim legislative committee. The
10 Legislative Research Council may receive additional funds from any legal source to carry out
11 the purposes of this Act. The executive board shall designate the chair and the vice chair of the
12 task force.

13 Section 10. The task force shall evaluate issues associated with economic development
14 needs, initiatives, and barriers affecting South Dakota's Native American population and South
15 Dakota's Indian tribes and tribal governments. Specifically, the task force shall analyze business
16 and economic sectors and segments having potential for higher levels of success, as well as
17 other possible approaches to improve economic conditions. The task force shall also address
18 workforce availability, including education and skills, related demographics, salary and wage
19 scales, and other issues affecting human resources necessary for the promotion of economic
20 development for this segment of South Dakota's population.

21 Section 11. The task force shall begin its activities in 2014 and shall submit an interim
22 report to the Executive Board of the Legislative Research Council not later than December 1,
23 2014, and a final report, recommendations, and potential draft legislation to the Executive Board
24 of the Legislative Research Council no later than December 1, 2015.