

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

660C0814

## SENATE BILL NO. 245

Introduced by: Senators Whiting, Ham, and Lange and Representatives Sutton (Daniel), Crisp, Duenwald, Hennies, and Koskan

1 FOR AN ACT ENTITLED, An Act to submit a measure to the electors of this state at the next  
2 general election to impose an additional tax upon the sale of certain alcoholic beverages and  
3 to distribute the revenue to the counties.

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

5 Section 1. That the following measure be submitted to the vote of the electors of the state  
6 at the next general election to be held in the year 2000 for their approval:

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

9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF SOUTH DAKOTA:

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

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

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

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

1 Section 2. The Department of Revenue shall administer the tax provided for in section 1 of  
2 this Act and shall conform to the administration of the occupational tax imposed under chapter  
3 35-5. The department shall prescribe forms and promulgate rules pursuant to chapter 1-26 for  
4 the making of returns and for the ascertainment, assessment, and collection of the tax. The  
5 department shall keep full and accurate records of all moneys received and distributed by the  
6 department under this Act.

7 Section 3. All moneys received and collected by the Department of Revenue, pursuant to  
8 section 2 of this Act, shall be credited to a special county fund which is established in the state  
9 treasury and, after deducting the amount of refunds made and the amounts necessary to defray  
10 the direct cost of collecting the tax, shall be paid to the counties as provided in section 4 of this  
11 Act.

12 Section 4. Each county's share of the payments from the special county fund created in  
13 section 3 of this Act shall be computed using the following factors:

- 14 (1) The percent of the total population of the state which reside in each county based on  
15 the most recent United States census date; and  
16 (2) The percent of the true and full assessed value of the state associated with each  
17 county as determined by the Department of Revenue.

18 Each county's share of the payments from the special county fund shall be calculated by  
19 multiplying the average of the two factors by the total payment.

20 Section 5. Payments shall be made to the counties from the special county fund quarterly as  
21 follows:

- 22 (1) January first, based upon tax revenues collected between July first and September  
23 thirtieth of the preceding year;  
24 (2) April first, based upon tax revenues collected between October first and December  
25 thirty-first of the preceding year;

1       (3)   July first, based upon tax revenues collected between January first and March thirty-  
2           first of the current year; and

3       (4)   October first, based upon tax revenues collected between April first and June thirtieth  
4           of the current year.

5       Section 6. The payments received by the counties pursuant to sections 4 and 5 of this Act  
6   shall be deposited in a special law enforcement fund and the revenue may be used only for jail,  
7   law enforcement, juvenile justice programs, and court expenses. The board of county  
8   commissioners shall, by resolution, establish a means of distributing the revenue among the  
9   county law enforcement agencies within the county.