

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

642D0377

## SENATE BILL NO. 129

Introduced by: Senators Paisley, Brown (Arnold), Dunn (Rebecca), Ham, Lange, Madden, Reedy, Valandra, Vitter, and Whiting and Representatives Kooistra, Engbrecht, Fryslie, Hennies, McIntyre, Slaughter, and Waltman

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

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

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

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

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

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

11 Section 2. The Department of Revenue shall administer the tax provided for in section 1 of  
12 this Act and shall conform to the administration of the occupational tax imposed under chapter  
13 35-5. The department shall prescribe forms and promulgate rules pursuant to chapter 1-26 for  
14 the making of returns and for the ascertainment, assessment, and collection of the tax. The  
15 department shall keep full and accurate records of all moneys received and distributed by the  
16 department under this Act.

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

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

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

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

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

- 16 (1) January first, based upon tax revenues collected between July first and September  
17 thirtieth of the preceding year;
- 18 (2) April first, based upon tax revenues collected between October first and December  
19 thirty-first of the preceding year;
- 20 (3) July first, based upon tax revenues collected between January first and March thirty-  
21 first of the current year; and
- 22 (4) October first, based upon tax revenues collected between April first and June thirtieth  
23 of the current year.

24 Section 6. The payments received by the counties pursuant to sections 4 and 5 of this Act  
25 shall be deposited in a special law enforcement and criminal justice fund and the revenue may be

1 used only for jails, law enforcement, juvenile justice programs, attorney fees, court expenses, and  
2 other criminal justice expenses. The board of county commissioners shall, by resolution, establish  
3 a means of distributing the revenue among the county law enforcement, juvenile justice, and  
4 other criminal justice agencies within the county.