

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

770I0291

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1026** - 02/26/2003

Introduced by: The Committee on State Affairs at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to establish the regents scholarship program.

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

3 Section 1. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 There is established the regents scholarship program to be administered by the Board of
6 Regents. The purpose of the program is to allow South Dakota's most academically
7 accomplished high school graduates to receive an affordable education at any university, college,
8 or technical school that is accredited by the North Central Association of Colleges and Schools
9 and that provides instruction from a campus located in South Dakota.

10 Section 2. In order to be eligible for a regents scholarship award, a student shall:

- 11 (1) Be a resident of South Dakota at the time of graduation from high school;
- 12 (2) Have a composite score of 24, or higher, on the test administered by the American
13 College Testing Program or a verbal-mathematics score of 1070-1100, on the
14 Scholastic Assessment Test and the ACT or SAT test shall be taken before the
15 student graduates from high school;



- 1 (3) Meet the high school course requirements as provided in Board of Regents Policy
2 Number 2:3(2)(F) as in effect on January 1, 2003;
- 3 (4) Attend a university, college, or technical school that is accredited by the North
4 Central Association of Colleges and Schools and that provides instruction from a
5 campus located in South Dakota; and
- 6 (5) Enter into the program within five years of graduation from high school or within one
7 year of the student's release from active duty with an active component of the armed
8 forces if the release is within five years of the student's graduation from high school.
9 However, eligibility is lost if a student attends full-time a regionally accredited
10 university, college, or technical school located outside South Dakota within the five
11 years following high school graduation or within the one year following release from
12 active military service.

13 A student is eligible to participate in the regents scholarship program for the equivalent of
14 four academic years (eight consecutive spring and fall terms) or until the attainment of a
15 baccalaureate or technical degree, whichever comes first. However, the executive director of the
16 Board of Regents may grant exceptions to the continuous enrollment requirements for good
17 cause shown.

18 Section 3. If it is determined that a student cannot complete the high school course
19 requirements as provided in Board of Regents Policy Number 2:3(2)(F) as in effect on January 1,
20 2003, due to the unavailability of the courses of study at the student's high school, the student
21 may be admitted into the regents scholarship program.

22 Section 4. One-half of the annual scholarship award shall be paid to public institutions on
23 behalf of eligible students there enrolled or directly to eligible students enrolled at nonpublic
24 institutions at the beginning of the fall semester and the other half shall be paid at the beginning

1 of the spring semester. The amount of the annual award shall be as follows:

- 2 (1) One thousand dollars for the first year of attendance;
- 3 (2) One thousand dollars for the second year of attendance;
- 4 (3) One thousand five hundred dollars for the third year of attendance;
- 5 (4) Two thousand five hundred dollars for the fourth year of attendance.

6 If, in any year, the total funds available to finance the scholarship awards are insufficient to
7 permit each eligible recipient to receive the full amount provided in this section, the available
8 monies shall be prorated and distributed to each recipient in proportion to the entitlement
9 contemplated by this section. The total amount of the scholarship may not exceed six thousand
10 dollars.

11 Section 5. In order to maintain eligibility, a student shall:

- 12 (1) Maintain a cumulative 3.0 grade point average on a 4.0 scale. Cumulative grade point
13 average shall be calculated after the second semester and every semester thereafter.
14 The student shall complete consecutive spring and fall terms in order to remain
15 eligible for continuation of the scholarship program from term to term. A student
16 whose cumulative grade point average falls below 3.0 on a 4.0 scale shall forfeit the
17 scholarship for the subsequent semester and for subsequent semesters until the student
18 has reestablished eligibility. To reestablish eligibility, the student shall comply with all
19 course load, enrollment, and proficiency examination requirements for continued
20 eligibility stated in this Act, and the student shall achieve a cumulative grade point
21 average of 3.0, or greater, on a 4.0 scale. The scholarship shall be reinstated beginning
22 the semester following that in which the student achieves a cumulative grade point
23 average of 3.0, or greater, on a 4.0 scale. Reinstatement of a scholarship does not
24 extend the time allowed under the scholarship program; any scholarship award

1 forfeited cannot be reclaimed after a student has regained eligibility. A student whose
2 cumulative grade point average falls below 3.0 on a 4.0 scale a second time forfeits
3 the scholarship for all subsequent semesters;

4 (2) Complete fifteen credit hours of instruction per semester. The student shall enroll in
5 and complete at least fifteen credit hours of instruction in each consecutive spring and
6 fall term. If the executive director of the Board of Regents determines that a student's
7 failure to enroll or to maintain continued enrollment occurred as a direct result of
8 legitimate factors outside the student's control, or has resulted from the student's
9 participation in an activity that in the executive director's judgment provides
10 knowledge or experience that will enhance the student's academic pursuits, the
11 executive director may extend the student's eligibility to participate in the program for
12 up to two additional years, if the student does not enroll in a noneligible institution;
13 and

14 (3) Sit for and pass all sections of a college proficiency exam as required by Board of
15 Regents Policy Number 2.28 as in effect on January 1, 2003, at the end of the
16 sophomore year. The Board of regents may review and adjust the proficiency
17 examinations administered in keeping with sound academic practice. If such changes
18 are made, the Board of Regents shall notify all eligible institutions of new testing
19 standards or requirements. If the student fails to pass the proficiency examinations the
20 first time, eligibility is forfeited for continuation in the scholarship program.

21 Section 6. The Board of Regents may allocate funds appropriated by the Legislature or funds
22 generated by gifts, donations, grants, or endowments for the purposes of this Act to students
23 qualifying pursuant to section 2 of this Act.

24 Section 7. The provisions of section 3 of this Act are repealed on July 1, 2005.

1 Section 8. The Board of Regents shall promulgate rules, pursuant to chapter 1-26, to
2 accomplish the purposes of this Act.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0512

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 61** - 02/28/2003

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to increase the tax on cigarettes and other tobacco products
2 and to declare an emergency.

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

4 Section 1. That § 10-50-3 be amended to read as follows:

5 10-50-3. A tax is imposed, whether or not a sale occurs, at the following rates on all
6 cigarettes held in this state for sale by any person:

7 Class A, on cigarettes weighing not more than three pounds per thousand, ~~sixteen~~ thirty-one
8 and one-half mills on each cigarette.

9 Class B, on cigarettes weighing more than three pounds per thousand, ~~sixteen~~ thirty-one and
10 eight-tenths mills on each cigarette.

11 Section 2. That § 10-50-61 be amended to read as follows:

12 10-50-61. In addition to the tax imposed by § 10-50-3, there is imposed, whether or not a
13 sale occurs, a tax upon all tobacco products in this state and upon any person engaged in
14 business as a licensed distributor or licensed wholesaler thereof, at the rate of ~~ten~~ twenty percent
15 of the wholesale purchase price of such tobacco products. ~~Such~~ The tax shall be imposed at the



1 time the distributor or wholesaler brings or causes to be brought into this state tobacco products
2 for sale; makes, manufactures, or fabricates tobacco products in this state for sale in this state;
3 or ships or transports tobacco products to dealers in this state to be sold by those dealers. For
4 the purposes of this chapter, wholesale purchase price is the price for which a manufacturer sells
5 tobacco products to a licensed distributor or licensed wholesaler exclusive of any discount or
6 other reduction.

7 Section 3. Whereas, this Act is necessary for the support of the state government and its
8 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
9 force and effect from and after its passage and approval.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0520

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 63** - 01/31/2003

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to repeal the sales tax exemption for certain interstate
2 telecommunication services and to declare an emergency.

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

4 Section 1. That § 10-45-6.1 be amended to read as follows:

5 10-45-6.1. Except as provided in § 10-45-6.2, there is hereby imposed ~~on amounts paid for~~
6 ~~local telephone services, toll telephone services, and teletypewriter services,~~ a tax of four percent
7 ~~of the amount so paid. The taxes imposed by this section shall be paid by the person paying for~~
8 ~~the services. If a bill is rendered the taxpayer for local telephone service or toll telephone service,~~
9 ~~the amount on which the tax with respect to such services shall be based shall be the sum of all~~
10 ~~charges for such services included in the bill; except that if a person who renders the bill groups~~
11 ~~individual items for purposes of rendering the bill and computing the tax, then the amount on~~
12 ~~which the tax for each such group shall be based shall be the sum of all items within that group,~~
13 ~~and the tax on the remaining items not included in any such group shall be based on the charge~~
14 ~~for each item separately. If the tax imposed by this section with respect to toll telephone service~~
15 ~~is paid by inserting coins in coin operated telephones, the tax shall be computed to the nearest~~



1 ~~multiple of five cents, except that, where the tax is midway between multiples of five cents, the~~
2 ~~next higher multiple shall apply. The tax so paid shall be remitted at the same time as the sales~~
3 ~~tax imposed by this chapter upon the gross receipts from providing any telecommunication~~
4 ~~service that originates or terminates in this state and that is billed or charged to a service address~~
5 ~~in this state, or that both originates and terminates in this state. However, the tax imposed by this~~
6 ~~section does not apply to:~~

- 7 (1) Any eight hundred or eight hundred type service unless the service both originates and
8 terminates in this state; or
- 9 (2) Any sale of a telecommunication service to a provider of telecommunication services,
10 including access service, for use in providing any telecommunication service.

11 For the purposes of this section, the term, telecommunication service, is the transmission of
12 signs, signals, writings, images, sounds, messages, data, or other information of any nature by
13 wire, radio, lightwaves, electromagnetic means.

14 Section 2. That § 10-45-12.1 be amended to read as follows:

15 10-45-12.1. The following services enumerated in the Standard Industrial Classification
16 Manual, 1987, as prepared by the Statistical Policy Division of the Office of Management and
17 Budget, Office of the President are exempt from the provisions of this chapter: health services
18 (major group 80); educational services (major group 82) except schools and educational services
19 not elsewhere classified (industry no. 8299); social services (major group 83); agricultural
20 services (major group 07) except veterinarian services (group no. 074) and animal specialty
21 services, except veterinary (industry no. 0752); forestry services (group no. 085); radio and
22 television broadcasting (group no. 483); railroad transportation (major group 40); local and
23 suburban passenger transportation (group no. 411) except limousine services; school buses
24 (group no. 415); farm product warehousing and storage (industry no. 4221); establishments

1 primarily engaged in transportation on rivers and canals (group no. 444); establishments primarily
2 engaged in air transportation, certified carriers (group no. 451); establishments primarily engaged
3 in air transportation, noncertified carriers (group no. 452) except chartered flights (industry no.
4 4522) and airplane, helicopter, balloon, dirigible, and blimp rides for amusement or sightseeing;
5 pipe lines, except natural gas (major group 46); arrangement of passenger transportation (group
6 no. 472); arrangement of transportation of freight and cargo (group no. 473); rental of railroad
7 cars (group no. 474); water supply (industry no. 4941); sewerage systems (industry no. 4952);
8 security brokers, dealers and flotation companies (group no. 621); commodity contracts brokers
9 and dealers (group no. 622); credit counseling services provided by individual and family social
10 services (industry no. 8322); construction services (division C) except industry no. 1752 and
11 locksmiths and locksmith shops; consumer credit reporting agencies, mercantile reporting
12 agencies, and adjustment and collection agencies (group no. 732), if the debt was incurred
13 out-of-state and the client does not reside within the state. The following are also specifically
14 exempt from the provisions of this chapter: financial services of institutions subject to tax under
15 chapter 10-43 including loan origination fees, late payment charges, nonsufficient fund check
16 charges, stop payment charges, safe deposit box rent, exchange charges, commission on travelers
17 checks, charges for administration of trusts, interest charges, and points charged on loans;
18 commissions earned or service fees paid by an insurance company to an agent or representative
19 for the sale of a policy; services of brokers and agents licensed under Title 47; the sale of trading
20 stamps; rentals of motor vehicles as defined by § 32-5-1 leased under a single contract for more
21 than twenty-eight days; advertising services; services provided by any corporation to another
22 corporation which is centrally assessed having identical ownership and services provided by any
23 corporation to a wholly owned subsidiary which is centrally assessed; continuing education
24 programs; tutoring; vocational counseling, except rehabilitation counseling; and motion picture

1 rentals to a commercially operated theater primarily engaged in the exhibition of motion pictures;
2 ~~and charges made by a telecommunications company for the origination, transmission, switching,~~
3 ~~reception, or termination of an interstate telephone or telegraph communication.~~

4 Section 3. That § 10-45-6.2 be amended to read as follows:

5 10-45-6.2. There is hereby imposed a tax of four percent upon the gross receipts of mobile
6 telecommunications services, as defined in 4 U.S.C. § 124(7) as of January 1, 2002, that
7 originate and terminate in the same state and are billed to a customer with a place of primary use
8 in this state or are deemed to have originated or been received in this state and to be billed or
9 charged to a service address in this state if the customer's place of primary use is located in this
10 state regardless of where the service actually originates or terminates. Notwithstanding any other
11 provision of this chapter and for purposes of the tax imposed by this section, the tax imposed
12 upon mobile telecommunication services shall be administered in accordance with 4 U.S.C.
13 §§ 116-126 as in effect on July 28, 2000.

14 Section 4. Whereas, this Act is necessary for the support of the state government and its
15 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
16 force and effect from and after April 1, 2003.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

488I0153

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **SB 71** - 02/27/2003

Introduced by: Senators Olson (Ed), Dempster, Knudson, Koetzle, McCracken, Moore, Reedy, Sutton (Dan), and Symens and Representatives Schafer, Burg, Craddock, Elliott, Haverly, Kroger, LaRue, and Olson (Mel)

1 FOR AN ACT ENTITLED, An Act to provide for the alternative certification of school
2 administrators.

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

4 Section 1. The Board of Education shall promulgate rules pursuant to chapter 1-26
5 establishing an alternative route to certification for persons employed as school administrators
6 who do not currently meet the certification requirements for the positions they hold. The
7 alternative certification program shall be delivered by an accredited college or university with an
8 approved program or endorsement program in the discipline. It shall be delivered in coordination
9 with the Department of Education and Cultural Affairs and the employing school system. The
10 alternative certification program shall include education coursework in administration, on-the-job
11 training, and mentorship.

12 Section 2. Effective July 1, 2005, all school administrators whose preparation does not meet
13 certification standards established in ARSD 24:16:09 shall submit to the Department of
14 Education and Cultural Affairs a professional development plan to meet the alternative



1 certification requirements established by the South Dakota Board of Education.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0585

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 129** - 02/05/2003

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to increase certain fees charged by the Office of the
2 Secretary of State.

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

4 Section 1. That § 1-8-10 be amended to read as follows:

5 1-8-10. The secretary of state shall charge the following fees for services performed in the
6 Office of the Secretary of State and shall collect the fees in advance:

- 7 (1) For filing, recording, and safekeeping of any instrument or paper required by law to
8 be filed and recorded in the office, one dollar per page;
- 9 (2) For making a copy or transcript of any record, instrument, or paper, except campaign
10 finance reports, on file in the office, one dollar per page;
- 11 (3) For filing and safekeeping of any instrument or paper required by law to be filed only,
12 one dollar; except the oath of office of members of the Legislature and legislative
13 officers, employees and governmental officers, employees and agencies, for which
14 there is no fee;
- 15 (4) For each commission, requisition, passport, or other document, signed by the



1 Governor and attested by the secretary of state, under the great seal of the state,
 2 except commissions issued for executive appointment and extraditions, and making
 3 the proper record for the same, five dollars;

4 (5) For filing application, bond, and issuing commission of notary public, ~~ten~~ twenty-five
 5 dollars;

6 (6) For official certificate, attestation, and impression of the great seal, ~~two~~ five dollars;

7 (7) For filing or recording any other instrument or document, one dollar; and

8 (8) For a certified copy of any document, instrument, or paper on file in the office, one
 9 dollar per page and ~~five~~ ten dollars for the certificate and affixing the seal;

10 ~~(9) For making a copy of any campaign finance report, thirty cents per page for the first~~
 11 ~~ten pages and ten cents per page for each page thereafter.~~

12 However, there is no fee to any state government agency pursuant to ~~subdivisions (1), (2),~~
 13 ~~and (9)~~ subdivision (1) or (2).

14 Section 2. That § 1-8-12 be amended to read as follows:

15 1-8-12. The secretary of state shall charge a fee of ~~ten~~ twenty dollars for expedited services.

16 Section 3. That § 2-12-3 be amended to read as follows:

17 2-12-3. Each lobbyist who registers and is employed pursuant to this chapter shall pay to the
 18 secretary of state an annual registration fee of ~~twenty-five~~ thirty-five dollars for each employer
 19 represented by ~~him~~ the lobbyist. Upon payment, ~~his~~ the lobbyist's name shall be registered by the
 20 secretary of state in the directory provided by § 2-12-2, and ~~he~~ the lobbyist is entitled to one
 21 copy of the official directory of the current year's legislative session. A fee of ten dollars may be
 22 charged for a weekly copy of an updated directory of lobbyists. All fees collected shall be
 23 deposited by the secretary of state with the state treasurer and credited to the general fund.

24 Any lobbyist who registers pursuant to this section is exempt from the one dollar filing fee

1 prescribed in subdivision 1-8-10(3).

2 Section 4. That § 15-7-7 be amended to read as follows:

3 15-7-7. Service of process as authorized by § 15-7-6 shall be made by serving a copy thereof
4 upon the secretary of state, or by filing ~~such~~ the copy in the office of ~~said~~ the secretary of state,
5 together with payment of a fee of ~~two ten~~ ten dollars, ~~and such~~. The service shall be sufficient service
6 upon the absent resident or the nonresident or ~~his~~ the resident's or nonresident's personal
7 representative; ~~provided that~~ if the notice of ~~such~~ the service and a copy of the process are within
8 ten days thereafter sent by mail by the plaintiff to the defendant at ~~his~~ the defendant's last-known
9 address and that the plaintiff's affidavit of compliance with the provisions of this section is
10 attached to the summons. The secretary of state shall keep a record of ~~all such~~ any process so
11 served ~~which~~. The record shall show the day and hour of such service. The fee of ~~two ten~~ ten dollars
12 paid by the plaintiff to the secretary of state at the time of service of ~~such~~ the process shall be
13 ~~taxed in his cost~~ recovered as taxable costs if ~~he~~ the plaintiff prevails in the suit.

14 Section 5. That § 15-7-14 be amended to read as follows:

15 15-7-14. ~~Such~~ The service of process as authorized by § 15-7-13 shall be made by filing in
16 the Office of the Secretary of State a copy of ~~such~~ the process and payment to ~~such~~ the secretary
17 of state a fee of ~~two ten~~ ten dollars and shall be completed by the plaintiff, ~~his~~ or the plaintiff's agent
18 or attorney within ten days after ~~such~~ the filing, forwarding to the defendant, or ~~his~~ the
19 defendant's personal representative, by registered or certified mail at the defendant's last known
20 post office address, or the last known post office address of defendant's personal representative,
21 notice of such service and a copy of the process. In lieu of such mailing ~~such~~ the process may
22 be served upon the defendant or ~~his~~ the defendant's personal representative personally without
23 the state at any time within thirty days after ~~such~~ the filing of ~~such~~ the process. The time within
24 which the defendant or ~~his~~ the defendant's personal representative may appear ~~shall~~ does not

1 commence to run until ~~such~~ the mailing or ~~such~~ the personal service without the state. The
2 secretary of state shall keep a record of ~~all such~~ any process so served, ~~such~~ the record to show
3 the day and hour of ~~such~~ the service. The fee of ~~two~~ ten dollars paid by the plaintiff to ~~such~~ the
4 secretary of state shall be ~~taxed in his costs~~ recovered as taxable costs if ~~he~~ the plaintiff prevails.

5 Section 6. That § 18-1-1 be amended to read as follows:

6 18-1-1. The secretary of state shall appoint ~~one or more~~ notaries public, who shall hold office
7 for six years unless sooner removed by the secretary of state. An applicant to become a notary
8 public shall complete an application form as prescribed by the secretary of state pursuant to
9 chapter 1-26. The applicant shall submit a fee of ~~ten~~ twenty-five dollars. The application shall
10 include the applicant's name, street, city, state, zip code, county, and date of birth. The applicant
11 shall apply in the same name as that which will appear as the seal imprint. Each notary may,
12 anywhere in this state, administer oaths and perform all other duties required by law. The
13 secretary of state may not appoint as a notary public any person who has been convicted of a
14 felony.

15 Section 7. That § 37-6-5 be amended to read as follows:

16 37-6-5. Subject to the limitations set forth in §§ 37-6-6 to 37-6-11, inclusive, any person who
17 adopts and uses a mark in this state may file in the Office of the Secretary of State, on a form to
18 be furnished by the secretary of state, an application for registration of that mark setting forth
19 the following information:

- 20 (1) The name and business address of the person applying for the registration; and, if a
21 corporation, the state of incorporation;
- 22 (2) The goods or services in connection with which the mark is used and the mode or
23 manner in which the mark is used in connection with the goods or services and the
24 class in which the goods fall;

1 (3) The date when the mark was first used anywhere and the date when it was first used
2 in this state by the applicant or the applicant's predecessor in business; and

3 (4) A statement that the applicant is the owner of the mark and that no other person has
4 the right to use the mark in this state either in the identical form thereof or in such
5 near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

6 The application shall be signed under oath by the applicant or by a member of the firm or an
7 officer of the corporation or association applying. The application shall be accompanied by a
8 specimen or facsimile of the mark in triplicate. The application for registration shall be
9 accompanied by a filing fee of ~~fifty~~ one hundred dollars, payable to the secretary of state.

10 Section 8. That § 37-6-14 be amended to read as follows:

11 37-6-14. Registration of a mark under § 37-6-13 is effective for a term of four years from
12 the date of registration. Upon application filed within six months prior to the expiration of the
13 term, on a form to be furnished by the secretary of state, the registration may be renewed for a
14 like term. A renewal fee of ~~fifty~~ one hundred dollars, payable to the secretary of state, shall
15 accompany the application for renewal of the registration. A mark registration may be renewed
16 for successive periods of four years in like manner.

17 Section 9. That § 37-6-17 be amended to read as follows:

18 37-6-17. A mark and its registration under § 37-6-13 is assignable with the good will of the
19 business in which the mark is used, or with that part of the good will of the business connected
20 with the use of and symbolized by the mark. Assignment shall be by instruments in writing duly
21 executed and may be recorded with the secretary of state upon the payment of a fee of ~~fifty~~ one
22 hundred dollars payable to the secretary of state ~~who, upon~~. Upon recording of the assignment,
23 the secretary of state shall issue in the name of the assignee a new certificate for the remainder
24 of the term of the registration or of the last renewal thereof. An assignment of any registration

1 under § 37-6-13 is void as against any subsequent purchaser for valuable consideration without
2 notice unless it is recorded with the secretary of state within three months after the date thereof
3 or prior to ~~such~~ the subsequent purchase.

4 Section 10. That § 43-27-1 be amended to read as follows:

5 43-27-1. The owner of any farm, ranch, or home in this state may, upon the payment of ~~one~~
6 ~~dollar~~ ten dollars to the secretary of state, have the name of ~~such~~ the farm, ranch, or home
7 entered and recorded in a register; ~~which the~~ The secretary of state shall keep ~~for such purpose,~~
8 ~~and thereupon such owner shall be by such officer furnished~~ the register and furnish the owner
9 a certificate setting forth the name and location of the farm, ranch, or home and the name of ~~such~~
10 the owner.

11 Section 11. That § 43-44-6 be amended to read as follows:

12 43-44-6. The fee of the secretary of state for filing the application and issuing certificate of
13 registration, alteration, or cancellation shall be ~~five~~ fifty dollars.

14 The fee for filing any assignment or other transfer of registration shall be ~~one dollar~~ ten
15 dollars.

16 The fee for searches, certified copies, and other official acts of the secretary of state, required
17 under the provisions of this chapter, shall be the same as provided by law for similar services
18 except as otherwise specifically provided in this chapter.

19 Section 12. That § 47-9-7 be amended to read as follows:

20 47-9-7. The secretary of state shall charge and collect for:

- 21 (1) Filing articles of incorporation and issuing a certificate of incorporation or filing an
22 application of a foreign corporation for a certificate of authority to transact business
23 in this state and issuing the certificate:

1	Authorized capital stock of \$25,000 or less	\$ 90 <u>100</u>
2	Over \$25,000 and not exceeding 100,000	110 <u>125</u>
3	Over \$100,000 and not exceeding 500,000	130 <u>200</u>
4	Over \$500,000 and not exceeding 1,000,000	150 <u>300</u>
5	Over \$1,000,000 and not exceeding 1,500,000	200 <u>400</u>
6	Over \$1,500,000 and not exceeding 2,000,000	250 <u>500</u>
7	Over \$2,000,000 and not exceeding 2,500,000	300 <u>600</u>
8	Over \$2,500,000 and not exceeding 3,000,000	350 <u>700</u>
9	Over \$3,000,000 and not exceeding 3,500,000	400 <u>800</u>
10	Over \$3,500,000 and not exceeding 4,000,000	450 <u>900</u>
11	Over \$4,000,000 and not exceeding 4,500,000	500 <u>1,000</u>
12	Over \$4,500,000 and not exceeding 5,000,000	550 <u>1,100</u>
13	For each additional \$500,000, \$40 <u>\$250</u> in addition to \$550 <u>\$1,100</u> .	

14 For purposes only of computing fees under this section, the dollar value of each
 15 authorized share having a par value shall be equal to par value and the value of each
 16 authorized share having no par value shall be equal to one hundred dollars per share.

17 The maximum amount charged under this subdivision may not exceed sixteen
 18 thousand dollars;

19 (2) Filing articles of amendment and issuing a certificate of amendment, ~~twenty~~ fifty
 20 dollars;

21 (3) Filing restated articles of incorporation, ~~twenty~~ fifty dollars;

22 (4) Filing articles of merger or consolidation and issuing a certificate of merger or
 23 consolidation, ~~twenty~~ fifty dollars;

24 (5) Filing an application to reserve a corporate name, ~~fifteen~~ twenty dollars;

25 (6) Filing a notice of transfer of a reserved corporate name, ten dollars.

26 (7) Filing a statement of change of address of registered office or change of registered

- 1 agent, or both, ten dollars;
- 2 (8) Filing a statement of the establishment of a series of shares, ~~twenty~~ fifty dollars;
- 3 (9) Filing a statement of cancellation of shares, ~~twenty~~ fifty dollars;
- 4 (10) Filing a statement of reduction of stated capital, ~~twenty~~ fifty dollars;
- 5 (11) Filing a statement of revocation of voluntary dissolution proceedings, ten dollars;
- 6 (12) Filing articles of dissolution, ten dollars;
- 7 (13) Filing an application of a foreign corporation for an amended certificate of authority
- 8 to transact business in this state and issuing an amended certificate of authority,
- 9 ~~twenty~~ fifty dollars;
- 10 (14) Filing a copy of an amendment to the articles of incorporation of a foreign
- 11 corporation holding a certificate of authority to transact business in this state, ~~twenty~~
- 12 fifty dollars;
- 13 (15) Filing a copy of articles of merger of a foreign corporation holding a certificate of
- 14 authority to transact business in this state, ~~twenty~~ fifty dollars;
- 15 (16) Filing an application for withdrawal of a foreign corporation and issuing a certificate
- 16 of withdrawal, ten dollars;
- 17 (17) Filing any other statement or report except an annual report, of a domestic or foreign
- 18 corporation, ten dollars;
- 19 (18) Filing by a domestic corporation of articles of amendment, restated articles of
- 20 incorporation, or articles of merger or consolidation in which the surviving
- 21 corporation is a domestic corporation, which provides authority to increase the
- 22 number of authorized shares of such corporation, in addition to the other fees
- 23 imposed by this section, an additional fee shall be charged as shall make, together with
- 24 the fee paid at the time of the incorporation, a total sum equal to the fee which would

1 be required under this section in case the corporation had been incorporated for such
2 total increased capitalization;

3 (19) Filing by a foreign corporation of articles of amendment or articles of merger when
4 the surviving or new corporation is a foreign corporation, which articles provide
5 authority to increase the number of authorized shares of such foreign corporation, in
6 addition to the other fees imposed by this section, an additional fee shall be charged
7 as shall make, together with the ~~sum that would have been~~ fee paid at the time of
8 authorization based on the fee schedule in subdivision (1) of this section, a total sum
9 equal to the fee which would be required under this section in the case the corporation
10 had been authorized for such total increased capitalization;

11 (20) All articles of amendment or articles of merger if the surviving or new corporation is
12 a foreign corporation shall be filed with the secretary of state within thirty days after
13 they have been filed with the secretary of state or other proper officer of the state
14 wherein the corporation is organized. In case of failure to so file within the time
15 specified in this subdivision, the corporation shall pay to the secretary of state on the
16 filing of such articles of amendment or articles of merger a penalty of twenty-five
17 dollars;

18 (21) Filing an annual report of a domestic or foreign corporation, ~~twenty-five~~ thirty dollars;

19 (22) Each corporation, domestic or foreign, that fails or refuses to file its annual report for
20 any year within the time prescribed by this chapter is subject to a penalty of fifty
21 dollars to be assessed by the secretary of state;

22 (23) Issuing a certificate of existence, ~~ten~~ fifteen dollars;

23 (24) Filing articles of correction, twenty dollars.

24 Section 13. That § 47-9-8 be amended to read as follows:

1 47-9-8. The secretary of state shall charge and collect for furnishing a certified copy of any
2 document, instrument, or paper relating to a corporation, one dollar per page and ~~five~~ ten dollars
3 for the certificate and affixing the seal thereto.

4 Section 14. That § 47-9-9 be amended to read as follows:

5 47-9-9. The secretary of state shall charge and collect, at the time of any service of process
6 on ~~him~~ the secretary of state as resident agent of a corporation, ~~five~~ twenty-five dollars, which
7 amount may be recovered as taxable costs by the party to the suit or action causing ~~such~~ the
8 service to be made if ~~such~~ the party prevails in the suit or action.

9 Section 15. That § 47-20-7 be amended to read as follows:

10 47-20-7. The annual report required by § 47-20-5 shall be delivered to the secretary of state
11 before the first day of the second month following the anniversary month of the corporation, of
12 each year following incorporation. A fee of ~~five~~ thirty dollars shall be paid to the secretary of
13 state for filing the report. If the report does not conform to requirements, it shall be returned to
14 the cooperative for necessary corrections. The penalties for failure to file ~~such~~ the report do not
15 apply if it is corrected and returned within thirty days after receipt thereof.

16 Section 16. That § 47-24-8 be repealed.

17 ~~—47-24-8. The secretary of state may grant to a corporation, upon written request, the right~~
18 ~~to report for any other year and to file such report before the first day of the second month~~
19 ~~following the anniversary month of the corporation.~~

20 Section 17. Section 16 of this Act is effective December 31, 2003. Section 18 of this Act is
21 effective January 1, 2004.

22 Section 18. That § 47-24-9 be amended to read as follows:

23 47-24-9. ~~After the annual report required to be filed on or before July 1, 1981, the reporting~~
24 ~~requirements of §§ 47-24-6 to 47-24-8, inclusive, require filing of reports only once every three~~

1 ~~years as outlined in § 47-24-7. The reporting requirements of §§ 47-24-6 and 47-24-7 require~~
2 filing of reports annually.

3 Section 19. That § 47-28-6 be amended to read as follows:

4 47-28-6. The secretary of state shall charge and collect for:

5 (1) Filing articles of incorporation and issuing a certificate of incorporation, ~~twenty~~
6 twenty-five dollars;‡

7 (2) Filing articles of amendment and issuing a certificate of amendment, ten dollars;‡

8 (3) Filing articles of merger or consolidation and issuing a certificate of merger or
9 consolidation, ten dollars;‡

10 (4) Filing a statement of change of address of registered office or change of registered
11 agent, or both, five dollars;‡

12 (5) Filing articles of dissolution, five dollars;‡

13 (6) Filing an application of a foreign corporation for a certificate of authority to conduct
14 affairs in this state and issuing a certificate of authority, ~~fifty~~ one hundred dollars;‡

15 (7) Filing an application of a foreign corporation for an amended certificate of authority
16 to conduct affairs in this state and issuing an amended certificate of authority, twenty
17 dollars;‡

18 (8) Filing an application for withdrawal of a foreign corporation and issuing a certificate
19 of withdrawal, five dollars;‡

20 (9) Filing any other statement or report, including an annual report, of a foreign
21 corporation, ten dollars;‡

22 (10) Filing an annual report of a domestic nonprofit corporation under chapter 47-24, ten
23 dollars;‡ and

24 (11) Filing a petition for reinstatement and issuing a certificate of reinstatement, ~~twenty~~

1	<u>Over \$1,000,000 and not exceeding 1,500,000</u>	<u>400</u>
2	<u>Over \$1,500,000 and not exceeding 2,000,000</u>	<u>500</u>
3	<u>Over \$2,000,000 and not exceeding 2,500,000</u>	<u>600</u>
4	<u>Over \$2,500,000 and not exceeding 3,000,000</u>	<u>700</u>
5	<u>Over \$3,000,000 and not exceeding 3,500,000</u>	<u>800</u>
6	<u>Over \$3,500,000 and not exceeding 4,000,000</u>	<u>900</u>
7	<u>Over \$4,000,000 and not exceeding 4,500,000</u>	<u>1,000</u>
8	<u>Over \$4,500,000 and not exceeding 5,000,000</u>	<u>1,100</u>
9	<u>For each additional \$500,000, \$250 in addition to \$1,100.</u>	

- 10 (2) For amending the articles of organization in the case of a domestic limited liability
- 11 company or amending the registration in the case of a foreign limited liability
- 12 company, a filing fee of ~~ten~~ fifty dollars; together with the appropriate fee set out in
- 13 subdivision (1) of this section if the amendment is to increase the amount of capital;
- 14 (3) For filing articles of dissolution, issuing a certificate of dissolution and canceling the
- 15 certificate of organization, ten dollars;
- 16 (4) For filing a statement of change of address of registered office or change of registered
- 17 agent, or both, ten dollars;
- 18 (5) For filing articles of merger or consolidation, ~~ten~~ fifty dollars;
- 19 (6) An annual tax of fifty dollars, due and payable January second of each year. This tax
- 20 is delinquent if not paid by February first and a penalty of fifty dollars shall also be
- 21 assessed.

22 Section 23. That § 47-34A-212 be amended to read as follows:

23 47-34A-212. The secretary of state shall charge and collect for:

- 24 (a) Filing the first annual report if the total agreed contribution of the limited liability
- 25 company are:

1	Agreed Contribution	Fee
2	Not in excess of \$50,000	\$ 90
3	\$50,001, to \$100,000	\$150
4	In excess of \$100,000	\$150 for first \$100,000, plus \$.50 for each additional \$1,000

5	<u>\$25,000 or less</u>	<u>\$ 100</u>
6	<u>Over \$25,000 and not exceeding 100,000</u>	<u>125</u>
7	<u>Over \$100,000 and not exceeding 500,000</u>	<u>200</u>
8	<u>Over \$500,000 and not exceeding 1,000,000</u>	<u>300</u>
9	<u>Over \$1,000,000 and not exceeding 1,500,000</u>	<u>400</u>
10	<u>Over \$1,500,000 and not exceeding 2,000,000</u>	<u>500</u>
11	<u>Over \$2,000,000 and not exceeding 2,500,000</u>	<u>600</u>
12	<u>Over \$2,500,000 and not exceeding 3,000,000</u>	<u>700</u>
13	<u>Over \$3,000,000 and not exceeding 3,500,000</u>	<u>800</u>
14	<u>Over \$3,500,000 and not exceeding 4,000,000</u>	<u>900</u>
15	<u>Over \$4,000,000 and not exceeding 4,500,000</u>	<u>1,000</u>
16	<u>Over \$4,500,000 and not exceeding 5,000,000</u>	<u>1,100</u>
17	<u>For each additional \$500,000, \$250 in addition to \$1,100.</u>	

18 The maximum amount charged under this subsection together with any subsequent
 19 payments under subsection (b) may not exceed sixteen thousand dollars. The filing fee
 20 required pursuant to this subsection is not applicable if the limited liability company
 21 has previously paid the fee required pursuant to subdivision 47-34-54(1).

22 (b) Filing any subsequent annual report that reflects additional contribution in excess of
 23 those stated in the last prior report, any additional fee necessary to make the
 24 cumulative fee match the cumulative agreed contributions as provided in subsection
 25 (a); above the agreed contributions as set forth in the last previous annual report

1 consistent with subsection (a).

2 (c) A reporting fee of fifty dollars, due and payable with the filing of all annual report,
3 after the first annual report required in § 47-34A-211(c).

4 Section 24. That § 47-34A-811 be amended to read as follows:

5 47-34A-811. (a) A limited liability company administratively dissolved may apply to the
6 secretary of state for reinstatement after the effective date of dissolution. The applicant shall
7 submit with the application the appropriate filing fee. The secretary of state shall base filing fees
8 on the total agreed contribution of the limited liability company as provided in § 47-34A-212,
9 plus any delinquent annual reports and fees for the period prior to the reinstatement application.

10 The application must:

- 11 (1) Recite the name of the company and the effective date of its administrative
12 dissolution;
- 13 (2) State that the ground for dissolution either did not exist or have been eliminated;
- 14 (3) State that the company's name satisfies the requirements of § 47-34A-105; and
- 15 (4) Contain a certificate from the appropriate state authority reciting that all taxes owed
16 by the company have been paid.

17 (b) If the secretary of state determines that the application contains the information required
18 by subsection (a) and that the information is correct, the secretary of state shall cancel the
19 certificate of dissolution and prepare a certificate of reinstatement that recites this determination
20 and the effective date of reinstatement, file the original of the certificate, and serve the company
21 with a copy of the certificate.

22 (c) When reinstatement is effective, it relates back to and takes effect as of the effective date
23 of the administrative dissolution and the company may resume its business as if the administrative
24 dissolution had never occurred.

1 Section 25. That § 47-34A-1206 be amended to read as follows:

2 47-34A-1206. The secretary of state may charge the following fees:

3 (a) For amending or restating the articles of organization in the case of a domestic limited
4 liability company or amending the registration in the case of a foreign limited liability
5 company, a filing fee of ~~ten~~ fifty dollars;

6 (b) For filing articles of termination, ten dollars;

7 (c) For filing articles of merger, ~~ten~~ fifty dollars;

8 (d) For filing a statement of dissociation, ten dollars;

9 (e) For filing an application to reserve a name, ~~fifteen~~ twenty dollars;

10 (f) For issuing a certificate of existence, ~~ten~~ fifteen dollars;

11 (g) For filing an application for registration of name, one dollar for each month, or
12 fraction thereof, between the date of filing such application and December thirty-first
13 of the calendar year in which such application is filed;

14 (h) For filing an annual renewal of registration, a limited liability company which has in
15 effect a registration of its name, may renew such registration from year to year by
16 annually filing an application for renewal setting forth the facts required to be set forth
17 in an original application for registration and a certificate of good standing as required
18 for the original registration and by paying a fee of ten dollars. A renewal application
19 may be filed between the first day of October and the thirty-first day of December in
20 each year, and shall extend the registration for the following year;

21 (i) For acting as agent for service of process the secretary of state shall charge and
22 collect at the time of such service ~~five~~ twenty-five dollars which may be recoverable
23 as taxable costs by the party to the suit or action causing the service to be made if the
24 party prevails in the suit or action.

1 Each limited liability company, domestic or foreign, that fails or refused to file its annual
2 report for any year within the time prescribed is subject to a penalty of fifty dollars to be assessed
3 by the secretary of state.

4 Section 26. That § 48-7-206.1 be amended to read as follows:

5 48-7-206.1. The provisions of § 1-8-10 notwithstanding, the fee for filing any document
6 required under this chapter with the secretary of state is ~~ninety~~ one hundred dollars.

7 Section 27. That § 48-7A-1003 be amended to read as follows:

8 48-7A-1003. (a) A limited liability partnership, and a foreign limited liability partnership
9 authorized to transact business in this state, shall file an annual report in the Office of the
10 Secretary of State which contains:

- 11 (1) The name of the limited liability partnership and the state or other jurisdiction under
12 whose laws the foreign limited liability partnership is formed;
- 13 (2) The street address of the partnership's chief executive office and, if different, the street
14 address of an office of the partnership in this state, if any; and
- 15 (3) If the partnership does not have an office in this state, the name and street address of
16 the partnership's current agent for service of process.

17 (b) An annual report must be filed with the secretary of state by the date specified by the
18 secretary of state in each year following the calendar year in which a partnership files a statement
19 of qualification or a foreign partnership becomes authorized to transact business in this state.

20 (c) The secretary of state may revoke the statement of qualification of a partnership that fails
21 to file an annual report when due or pay the required filing fee. To do so, the secretary of state
22 shall provide the partnership at least sixty days' written notice of intent to revoke the statement.
23 The notice must be mailed to the partnership at its chief executive office set forth in the last filed
24 statement of qualification or annual report. The notice must specify the annual report that has

1 not been filed, the fee that has not been paid, and the effective date of the revocation. The
2 revocation is not effective if the annual report is filed and the fee is paid before the effective date
3 of the revocation.

4 (d) A revocation under subsection (c) only affects a partnership's status as a limited liability
5 partnership and is not an event of dissolution of the partnership.

6 (e) A partnership whose statement of qualification has been revoked may apply to the
7 secretary of state for reinstatement within two years after the effective date of the revocation.

8 The applicant shall submit with the application the filing fee of one hundred dollars, plus any
9 delinquent annual reports and fees for the period prior to the reinstatement application. The
10 application must state:

11 (1) The name of the partnership and the effective date of the revocation; and

12 (2) That the ground for revocation either did not exist or has been corrected.

13 (f) A reinstatement under subsection (e) relates back to and takes effect as of the effective
14 date of the revocation, and the partnership's status as a limited liability partnership continues as
15 if the revocation had never occurred.

16 Section 28. That § 48-7A-1208 be amended to read as follows:

17 48-7A-1208. The provisions of § 1-8-10 notwithstanding, the fee for filing the statements
18 and reports provided for in the following sections with the secretary of state is as follows:

19 (1) Section 48-7A-303, Statement of Authority, ~~ninety~~ one hundred dollars;

20 (2) Section 48-7A-304, Statement of Denial, ten dollars;

21 (3) Section 48-7A-704, Statement of Dissociation, ten dollars;

22 (4) Section 48-7A-805, Statement of Dissolution, ten dollars;

23 (5) Section 48-7A-907, Statement of Merger, ~~ten~~ fifty dollars;

24 (6) Section 48-7A-1001, Statement of Qualification, ~~ninety~~ one hundred dollars;

1 (7) Section 48-7A-1003, Annual Report, ~~twenty-five~~ thirty dollars; and

2 (8) Section 48-7A-1102, Statement of Foreign Qualification, ~~ninety~~ one hundred dollars;

3 and

4 (9) Filing any other statement, ten dollars.

5 Each limited liability partnership, domestic or foreign, that fails or refused to file its annual
6 report for any year within the time prescribed is subject to a penalty of fifty dollars to be assessed
7 by the secretary of state.

8 Section 29. That § 57A-9-525 be amended to read as follows:

9 57A-9-525. (a) Except as otherwise provided in subsection (e), the fee for filing and indexing
10 a record under this part, other than an initial financing statement of the kind described in
11 subsection (b), is the amount specified in subsection (c), if applicable, plus:

12 (1) ~~Thirteen~~ Twenty dollars if the record is communicated in writing and consists of one
13 page, and four dollars for ~~each~~ additional page pages. One dollar of this fee shall be deposited
14 into the financing statement filing fee fund;

15 (2) ~~Eleven~~ Fifteen dollars if the record is communicated by internet. One dollar of this fee
16 shall be deposited into the financing statement filing fee fund; and

17 (3) Twenty dollars if the record is communicated by another medium authorized by
18 filing-office rule.

19 (b) Except as otherwise provided in subsection (e), the fee for filing and indexing an initial
20 financing statement of the following kind is the amount specified in subsection (c), if applicable,
21 plus:

22 (1) Thirty dollars if the financing statement indicates that it is filed in connection with a
23 public-finance transaction;

24 (2) Thirty dollars if the financing statement indicates that it is filed in connection with a

1 manufactured-home transaction.

2 (c) Except as otherwise provided in subsection (e), if a record is communicated in writing
3 or electronically, the fee for each name more than one required to be indexed is two dollars.

4 (d) The fee for responding to a request for information from the filing office, including for
5 issuing a certificate showing whether there is on file any financing statement naming a particular
6 debtor, is:

7 (1) ~~Twelve~~ Twenty dollars if the request is communicated in writing; and

8 (2) Ten dollars if the request is communicated by ~~another medium~~ internet authorized by
9 filing-office rule.

10 Upon request the filing officer shall furnish a copy of any filed financing statement or
11 statement of assignment for a uniform fee of one dollar per page.

12 (e) This section does not require a fee with respect to a record of a mortgage which is
13 effective as a financing statement filed as a fixture filing or as a financing statement covering
14 as-extracted collateral or timber to be cut under § 57A-9-502(c). However, the recording and
15 satisfaction fees that otherwise would be applicable to the record of the mortgage apply.

16 Section 30. That chapter 57A-9 be amended by adding thereto a NEW SECTION to read
17 as follows:

18 The annual registration fee for the crop or livestock effective finance statement microfiche
19 master list is one hundred twenty dollars.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

345I0679

SENATE ENGROSSED NO. **SB 154** - 02/10/2003

Introduced by: Senators Bogue, Abdallah, Diedrich (Larry), LaPointe, McCracken, and Reedy and Representatives Peterson (Bill), Dykstra, and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to authorize certain interstate shipments of wine, to
2 establish certain penalties, and to collect sales tax.

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

4 Section 1. Notwithstanding any other provision of law, any person who is at least twenty-one
5 years of age may purchase and receive wine from another state as provided in this section if the
6 wine is not in distribution in this state and the wine comes from a winery that is located in a state
7 that affords South Dakota wineries an equal reciprocal shipping privilege, or a winery located
8 in South Dakota. The person shall place an order with a licensee as defined in subdivision
9 35-4-2(3) or (5). The licensee shall order the wine through a wholesaler licensed pursuant to
10 subdivision 35-4-2(2) and the wholesaler shall arrange the purchase of wine. The licensee shall
11 inform the purchaser of the cost of the wine, the amount of any tax that would apply to the
12 purchase pursuant to § 35-5-3, the amount of sales tax that would apply, and the amount of
13 charges for freight and handling. The licensee shall collect the total amount due from the
14 customer before ordering the wine through the wholesaler. After receiving the order for the wine
15 from the licensed retailer the wholesaler shall arrange for the wine to be shipped directly to the



1 licensee who placed the order for the purchaser. Wine purchased pursuant to this Act may only
2 be delivered and received by the purchaser from a licensee as defined in subdivision 35-4-2(3)
3 or (5).

4 Section 2. If the wholesaler orders twelve or less cases of a particular brand of wine for an
5 individual purchaser in one calendar year pursuant to this section, no registration fee pursuant
6 to chapter 39-13 may be imposed.

7 Section 3. No person may receive more than twelve cases of wine, containing no more than
8 nine liters per case, in any calendar year for personal use from another state under this Act. No
9 person who receives wine under this Act may resell any of the wine. However, if the delivery of
10 the wine does not result in a completed sale to the person who placed the original order, the
11 licensee may sell the wine in the ordinary course of business. It is a Class 2 misdemeanor for any
12 person to receive more than twelve cases of wine during a calendar year in violation of this Act.
13 It is a Class 2 misdemeanor for any person to resell or attempt to resell any wine obtained
14 pursuant to this Act. The Department of Revenue shall promulgate rules pursuant to chapter
15 1-26 to provide for the reporting and tracking of information related to the sale of wine under
16 this Act and to prescribe forms for the implementation of this Act.

17 Section 4. Any licensee who holds a farm winery license pursuant to § 35-12-2 may ship no
18 more than twelve cases of wine per person per calendar year. A case may contain no more than
19 nine liters per case in any one shipment. Any wine sold may only be for personal use and not for
20 resale. The wine may only be sold directly to a resident of another state if the state to which the
21 wine is sent allows residents of the state to receive wine sent from outside that state.

22 Section 5. No person in the business of selling alcoholic beverages may ship or cause to be
23 shipped any alcoholic beverage to any South Dakota resident who does not hold a license issued
24 pursuant to chapter 35-4. The department shall, for the first offense, send a certified letter to any

- 1 person who violates this section and order such person to cease and desist any shipments of
- 2 alcoholic beverages to South Dakota residents. Any subsequent violation of this section is a
- 3 Class 6 felony.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

743I0576

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 188** - 02/26/2003

Introduced by: Senators Diedrich (Larry), Abdallah, Brown, Duxbury, Jaspers, McCracken, Moore, Olson (Ed), Schoenbeck, Sutton (Duane), and Symens and Representatives Dykstra, Begalka, Burg, Hargens, Konold, Peterson (Jim), Sebert, Solum, and Williamson

1 FOR AN ACT ENTITLED, An Act to provide a credit against certain taxes paid by railroads
2 for the replacement and repair of rail lines and to revise certain provisions regarding the
3 distribution of the assessed value of a railroad.

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

5 Section 1. That chapter 10-28 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Any publicly operated railroad or railway corporation operating over rail lines located within
8 this state may claim a credit against the tax levied on such rail lines for amounts that the railroad
9 or railway corporation has certified as having been expended in the replacement and repair of
10 such rail lines. Only those expenses of a capital nature may be certified as an expense eligible for
11 a credit pursuant to this section. The certification required by this section shall be on forms
12 provided by the Department of Revenue. The labor and material expenses certified pursuant to
13 this section shall be itemized separately. The credit provided in this section shall be applied
14 proportionally across the railroad's entire mainline within this state. The credit shall be applied



1 to tax liability over a three-year period in an amount equal to thirty-three and one-third percent
2 the first year following certification; thirty-three and one-third percent of such an amount shall
3 carry forward into the second year following certification; and thirty-three and one-third percent
4 shall carry forward into the third year following certification. Each year's carryover shall be
5 accumulated as a tax credit with other years' annual tax credits. No credit may be given for the
6 repair or replacement of railway line necessitated by washout, fire, or train derailment. If any rail
7 line goes over ten million gross ton miles per mile annually in a calendar year, the rail line may
8 not receive a credit pursuant to this section in the following calendar year.

9 Section 2. That § 10-28-16 be amended to read as follows:

10 10-28-16. The Department of Revenue shall, on or before the fourth Monday in August, each
11 year, transmit to the county auditor of each county through which any railroad runs, a statement
12 showing the length of main track, of main line or lines, and the branches thereof and sidetracks
13 within such county, and the assessed value based on a statewide formula that weights traffic (ton
14 miles) ~~thirty-three and one-third~~ seventy-five percent and miles of track in the county by ~~sixty-six~~
15 ~~and two-thirds~~ twenty-five percent. The county auditor shall then distribute the value to each
16 taxing district where the line runs on a per mile basis within the county.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0758

SENATE ENGROSSED NO. **SB 216** - 02/21/2003

Introduced by: The Committee on Health and Human Services at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to create a senior citizen prescription drug benefit program.

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

3 Section 1. There is hereby created a senior citizen prescription drug benefit program within
4 the State of South Dakota. The purpose of the program is to negotiate the purchase of
5 prescription drugs to be offered at a reduced cost to the eligible participants. The program shall
6 be open to any resident of the state who is age sixty-five and older and any person meeting the
7 eligibility criteria for a disability as defined in Title II of the Social Security Amendments of 1954
8 as amended to January 1, 2003, excluding those persons eligible for benefits under Title XIX.

9 Section 2. The program shall be administered by the Bureau of Personnel. The commissioner
10 of personnel may enter into agreements with private entities and cooperate with other local,
11 state, or federal agencies to implement the purposes of the program. The commissioner shall
12 promulgate rules pursuant to chapter 1-26 regarding various discounts on the purchase of
13 pharmaceuticals for participating members and regarding dispensing and intervention fees.

14 Section 3. The Bureau of Personnel may contract to create a preferred drug list and negotiate
15 pharmaceutical prices for the benefit of participating members and pharmacies.

16 Section 4. The provisions of this Act are repealed July 1, 2005.

