

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

951M0347

HOUSE TAXATION COMMITTEE ENGROSSED NO.

**HB 1167** - 02/09/2006

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Wick, Boomgarden, Buckingham, Cutler, Deadrick, Dykstra, Faehn, Frost, Garnos, Glover, Hackl, Halverson, Heineman, Hennies, Hills, Hunhoff, Hunt, Jensen, Klaudt, Koistinen, Kraus, Krebs, Lange, McCoy, McLaughlin, Michels, Murschel, Nelson, Novstrup, Pederson (Gordon), Putnam, Rausch, Rave, Rhoden, Rounds, Schafer, Sebert, Street, Tidemann, Turbiville, Van Etten, Vehle, Weems, and Willadsen and Senators Knudson, Apa, Bogue, Broderick, Duenwald, Earley, Gray, Kelly, Koskan, Lintz, McNenny, Peterson (Jim), Smidt, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to create a tax relief fund and to dedicate certain sales and  
2 use tax revenue received by the state through the Streamlined Sales and Use Tax Agreement.

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

4 Section 1. There is hereby created in the state treasury the tax relief fund. The revenue  
5 collected pursuant to section 2 of this Act shall be deposited in the tax relief fund for the  
6 purpose of reducing the rate of taxation or reducing property taxes. The fund shall be invested  
7 as provided by law, and the interest earned shall be credited to the fund. The Legislature may  
8 not appropriate any money from the tax relief fund until the second fiscal year after Congress  
9 approves legislation giving states the authority to require retailers to collect South Dakota's sales  
10 and use tax.

11 Section 2. The additional net revenue received by the state from voluntary retail licensees



1 shall be deposited in the tax relief fund created pursuant to section 1 of this Act. For the  
2 purposes of this Act, a voluntary retail licensee is any person licensed through the Streamlined  
3 Sales and Use Tax Agreement to remit sales and use tax pursuant to chapters 10-45 and 10-46  
4 who does not otherwise have a legal obligation to remit such taxes.