

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0343

SENATE STATE AFFAIRS ENGROSSED NO. **SB 59** - 1/14/2008

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the South Dakota
2 opportunity scholarship program.

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

4 Section 1. That § 13-55-31 be amended to read as follows:

5 13-55-31. In order to be eligible for a South Dakota opportunity scholarship award, a student
6 shall:

7 (1) Be a resident of South Dakota at the time of graduation from high school;

8 (2) Have a composite score of 24, or higher, on the test administered by the American
9 College Testing Program or a ~~verbal-mathematics score of 1070-1100~~, an equivalent
10 score as determined by the Board of Regents on the Scholastic Assessment Test, and
11 the ACT or SAT test shall be taken before the ~~student graduates from high school~~
12 first day of classes in the student's first term of enrollment;

13 (3) Meet the high school course requirements for graduation from the distinguished high
14 school program as provided in ~~Board of Regents Policy Number 2:3(2)(F)~~ section
15 24:43:11:05 of the Administrative Rules of South Dakota as in effect on January 1,



1 ~~2003~~ 2008;

2 (4) Attend a university, college, or technical school that is accredited by the North
3 Central Association of Colleges and Schools and that provides instruction from a
4 campus located in South Dakota; and

5 (5) Enter into the program within five years of graduation from high school or within one
6 year of the student's release from active duty with an active component of the armed
7 forces if the release is within five years of the student's graduation from high school.

8 If a student attends full-time a regionally accredited university, college, or technical
9 school located outside South Dakota and within two years following high school
10 graduation or within two years following release from active military service returns
11 to the state to attend full-time a regionally accredited university, college, or technical
12 school, the student is eligible to receive a partial award.

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

18 A student who would have been eligible for the scholarship, but who applies after
19 completing one or more semesters of full-time work at an accredited institution, may be
20 admitted to the program only if the student has complied with the same grade point and credit
21 hour requirements that would apply to program participants. Admission granted under these
22 circumstances may not be retroactive, and eligibility for participation in the program shall be
23 reduced by one semester for each semester of work completed prior to admission to the
24 program.

1 Section 2. That § 13-55-34 be amended to read as follows:

2 13-55-34. In order to maintain eligibility, a student shall:

3 (1) Maintain a cumulative 3.0 grade point average on a 4.0 scale. Cumulative grade point
4 average shall be calculated after the second semester and every semester thereafter.

5 The student shall complete consecutive spring and fall terms in order to remain
6 eligible for continuation of the scholarship program from term to term. A student
7 whose cumulative grade point average falls below 3.0 on a 4.0 scale shall forfeit the
8 scholarship for the subsequent semester and for subsequent semesters until the
9 student has reestablished eligibility. To reestablish eligibility, the student shall
10 comply with all course load, enrollment, and proficiency examination requirements
11 for continued eligibility stated in §§ 13-55-30 to 13-55-35, inclusive, and the student
12 shall achieve a cumulative grade point average of 3.0, or greater, on a 4.0 scale. The
13 scholarship shall be reinstated beginning the semester following that in which the
14 student achieves a cumulative grade point average of 3.0, or greater, on a 4.0 scale.
15 Reinstatement of a scholarship does not extend the time allowed under the
16 scholarship program; any scholarship award forfeited cannot be reclaimed after a
17 student has regained eligibility. A student whose cumulative grade point average falls
18 below 3.0 on a 4.0 scale a second time forfeits the scholarship for all subsequent
19 semesters;

20 (2) Complete ~~fifteen~~ twelve credit hours of instruction per semester. The student shall
21 enroll in and complete at least ~~fifteen~~ twelve credit hours of instruction in each
22 consecutive spring and fall term. If the executive director of the Board of Regents
23 determines that a student's failure to enroll or to maintain continued enrollment
24 occurred as a direct result of legitimate factors outside the student's control, or has

1 resulted from the student's participation in an activity that in the executive director's
2 judgment provides knowledge or experience that will enhance the student's academic
3 pursuits, the executive director may extend the student's eligibility to participate in
4 the program for up to two additional years, if the student does not enroll in a
5 noneligible institution; and

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

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

652P0350

SENATE LOCAL GOVERNMENT ENGROSSED NO. **SB 95** - 1/28/2008

Introduced by: Senators Bartling, Albers, Gray, Koetzle, McCracken, Nesselhuf, Olson (Ed),
and Turbak Berry and Representatives Dykstra, Cutler, Gillespie, Hargens,
Lucas, Rounds, and Weems

1 FOR AN ACT ENTITLED, An Act to increase certain fees collected by sheriffs for collecting
2 delinquent taxes.

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

4 Section 1. That § 10-56-22 be amended to read as follows:

5 10-56-22. The sheriff shall collect the following fees for collecting taxes: ~~one dollar~~ twenty-
6 five dollars for making ~~his~~ the sheriff's return on ~~his~~ the sheriff's warrant of authority; ~~one dollar~~
7 fifteen dollars for each levy; ~~one dollar~~ ten dollars for each sale; and the necessary costs of
8 distress and sale. The fees and costs shall be collected from the tax debtor or ~~his~~ the tax debtor's
9 property. ~~Where~~ If actual travel is made in collecting taxes, the sheriff shall also collect from
10 the tax debtor or ~~his~~ the tax debtor's property an additional penalty, in lieu of mileage, equal to
11 fifteen percent of the amount of tax and interest due, which, with all fees and costs collected,
12 shall be credited to the general fund of the county. ~~The sheriff shall receive mileage, at the rate~~
13 ~~provided by law, for each mile actually and necessarily traveled from the official for whom the~~
14 ~~tax was collected.~~



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

355P0163

SENATE JUDICIARY ENGROSSED NO. **SB 102** - 1/28/2008

Introduced by: Senators Turbak Berry, Garnos, Jerstad, McNenny, and Olson (Ed) and
Representatives Cutler, Deadrick, Engels, Faehn, Feinstein, Gillespie,
Glenski, and Kirkeby

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the homestead
2 exemption, personal property exemptions, and insurance and annuity exemptions.

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

4 Section 1. That § 43-31-2 be amended to read as follows:

5 43-31-2. The homestead must embrace the house used as a home by the owner thereof, being
6 either, real property or a mobile home ~~as hereinafter defined~~, and if he or she has two or more
7 houses or mobile homes ~~thus~~ used at different times and places, such owner may select which
8 he or she will retain as a homestead.

9 ~~It must~~ The homestead may not embrace more than one dwelling house or any other
10 buildings except such as are properly appurtenant to the homestead ~~as such; but~~ However, a
11 shop, store, or other building situated on real property and ~~really~~ used or occupied by the owner
12 in the prosecution of his or her own ordinary business may be deemed appurtenant to such
13 homestead.

14 If a husband or wife is required to leave the homestead, either pursuant to a protection order



1 obtained by his or her spouse, or otherwise to preserve peace in the home, the absence from the
2 homestead does not cause a waiver or abandonment of his or her interest in the homestead.

3 If the homestead is divided by court order pursuant to § 25-4-44 and a lien is imposed upon
4 the homestead for the benefit of the nonresident spouse pursuant to § 25-4-42, absence from the
5 homestead and loss of title to the homestead pursuant to the court order, does not constitute
6 forfeiture of the homestead, and homestead protection shall attach to the judicial lien.

7 ~~Mobile homes shall include~~ For the purposes of this section, a mobile home includes any
8 vehicle without motive power which can provide adequate, comfortable, all season quarters for
9 the purpose of making a residence thereof and ~~which vehicle~~ is larger than two hundred forty
10 square feet, measuring at the base thereof. Such mobile home must be registered in South
11 Dakota at least six months prior to the claim of exemption.

12 Section 2. That § 43-45-2 be amended to read as follows:

13 43-45-2. The property mentioned in this section is absolutely exempt from all such process,
14 levy, or sale, except as otherwise provided by law:

- 15 (1) All family pictures;
- 16 (2) A pew or other sitting in any house of worship;
- 17 (3) A lot or lots in any burial ground;
- 18 (4) The family Bible and all schoolbooks used by the family, and all other books used
19 as a part of the family library, not exceeding in value two hundred dollars;
- 20 (5) All wearing apparel and clothing of the debtor and his family;
- 21 (6) The provisions for the debtor and his family necessary for one year's supply, either
22 provided or growing, or both, and fuel necessary for one year;
- 23 (7) All property in this state of the judgment debtor if the judgment is in favor of any
24 state for failure to pay that state's income tax on benefits received from a pension or

1 other retirement plan while the judgment debtor was a resident of this state;

2 (8) One vehicle per person, not exceeding in value six thousand dollars.

3 Section 3. That § 43-45-3 be amended to read as follows:

4 43-45-3. A homestead:

5 (1) As defined and limited in chapter 43-31, is absolutely exempt; or

6 (2) ~~In the event such~~ If a homestead is sold under the provisions of chapter 21-19, ~~or is~~
7 sold by the owner voluntarily, or is divided by court order pursuant to § 25-4-44 and
8 a lien is imposed upon the homestead for the benefit of the nonresident spouse
9 pursuant to § 25-4-42, the proceeds of such sale, or the value of such lien, not
10 exceeding the sum of thirty ~~seventy-five~~ thousand dollars, is absolutely exempt for
11 a period of one year after the receipt of such proceeds by the owner or lien holder
12 under § 25-4-42. Such exemption shall be is limited to one hundred seventy thousand
13 dollars for a homestead of a person seventy years of age or older or the unremarried
14 surviving spouse of such person so long as it continues to possess the character of a
15 homestead.

16 Section 4. That § 43-45-4 be amended to read as follows:

17 43-45-4. In addition to the property provided for in §§ 43-45-2 and 43-45-3, ~~the each~~ debtor;
18 ~~if the head of a family,~~ may, personally, or by agent or attorney, select from all ~~other~~ of the
19 debtor's other personal property, not absolutely exempt, goods, chattels, merchandise, money,
20 or other personal property not to exceed in the aggregate ~~six ten~~ ten thousand dollars in value; ~~and,~~
21 ~~if not the head of a family, property as aforesaid of the value of four thousand dollars, which~~
22 ~~is also exempt, and,~~ which shall be chosen and appraised as provided by law.

23 Section 5. That § 43-45-6 be amended to read as follows:

24 43-45-6. The proceeds of any insurance upon the life of any person residing in this state, ~~at~~

1 ~~the time of his death and~~ who leaves a surviving ~~widow, husband,~~ spouse or minor child or
2 children, payable upon ~~his~~ the person's death to ~~his~~ the person's estate, executor, or
3 administrator, and not assigned to any other person, shall, to any amount not exceeding ~~ten~~ fifty
4 thousand dollars, inure to the use of such surviving ~~widow, husband,~~ spouse or minor child or
5 children; ~~and such.~~ Such amount ~~shall~~ is not ~~be~~ subject to the payment of any debt of such
6 decedent, or of such surviving ~~widow, husband,~~ spouse or minor child or children. Whenever
7 the proceeds of such insurance become payable and the insurer makes payment thereof to the
8 administrator or executor of the estate of such person, such payment ~~shall~~ fully ~~discharge~~
9 discharges the insurer from all claims under the policy or contract, and such insurer need not
10 follow the distribution of such payment.

11 Section 6. That § 58-12-4 be amended to read as follows:

12 58-12-4. The proceeds of a policy of life or health insurance to the total amount of ~~twenty~~
13 fifty thousand dollars only, in the absence of any agreement or assignment to the contrary, shall
14 inure to the separate use of the insured, ~~his~~ the insured's surviving spouse, or children, as the
15 case may be, independently of the creditors of any of them and ~~shall~~ is not ~~be~~ subject to the
16 payment of the debts of any one or all of such persons, notwithstanding that the proceeds may
17 be payable directly to the insured or surviving spouse or children as the named beneficiary or
18 beneficiaries or otherwise; ~~and the.~~ The proceeds of an endowment policy, payable to the
19 insured on attaining a certain age, to the extent of ~~twenty~~ one hundred thousand dollars shall at
20 all times be exempted from the debts of such spouse or children of the insured; ~~and the avails.~~
21 The proceeds of any life or health insurance or other sum of money not exceeding ~~twenty~~ fifty
22 thousand dollars made payable by any mutual aid or benevolent society to any member or
23 beneficiary spouse or children or both shall likewise be exempt.

24 Section 7. That § 58-12-8 be amended to read as follows:

1 58-12-8. The total exemption under § 58-12-6 of benefits presently due and payable to any
2 annuitant periodically or at stated times under all annuity contracts under which he or she is an
3 annuitant, ~~shall~~ may not at any time exceed ~~two hundred and fifty~~ one thousand five hundred
4 dollars per month for the length of time represented by such installments;
5 ~~and such.~~ Any periodic payments in excess of ~~two hundred and fifty~~ one thousand five hundred
6 dollars per month ~~shall be~~ is subject to levy in the manner provided by law and the rules of
7 court.

8 Section 8. That § 58-12-9 be amended to read as follows:

9 58-12-9. If the total benefits presently due and payable to any annuitant under all annuity
10 contracts under which he or she is an annuitant, ~~shall~~ at any time exceed payment at the rate of
11 ~~two hundred and fifty~~ one thousand five hundred dollars per month, then the court may order
12 such annuitant to pay to a judgment creditor or apply on the judgment, in installments, such
13 portion of such excess benefits as ~~to the court~~ may appear finds just and proper, after due regard
14 for the reasonable requirements of the judgment debtor and ~~his~~ the debtor's family, if dependent
15 upon ~~him~~ the debtor, as well as any payments required to be made by the annuitant to other
16 creditors under prior court orders.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

429P0483

SENATE JUDICIARY ENGROSSED NO. **SB 123** - 1/28/2008

Introduced by: Senators Albers, Abdallah, Hansen (Tom), Hundstad, Kloucek, Koetzle, Lintz, Maher, McCracken, Schmidt (Dennis), and Smidt (Orville) and Representatives Vanneman, Boomgarden, Bradford, Brunner, Hackl, Halverson, Hills, Juhnke, Koistinen, Lucas, McLaughlin, Moore, Pederson (Gordon), Pitts, Steele, Thompson, Tidemann, Turbiville, and Vehle

1 FOR AN ACT ENTITLED, An Act to provide for certain requirements for the sale and
2 purchase of nonferrous metal property and to establish certain penalties.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Industrial or commercial account," any person or business, including a scrap metal
6 business, operating from a fixed location, that sells nonferrous metal to a scrap metal
7 recycler pursuant to a contractual arrangement or agreement;

8 (2) "Law enforcement officer," any law enforcement officer as defined in § 23-3-7;

9 (3) "Nonferrous metal property," any metal property for which the value of the metal
10 property is derived from the property's content of copper, brass, aluminum, bronze,
11 lead, zinc, platinum, rhodium, palladium, or nickel, or any of their alloys. Aluminum
12 does not include any food or beverage containers, except for a beer keg;

13 (4) "Record," a paper, electronic, or other method of storing information;



1 (5) "Scrap metal business," any scrap metal supplier, scrap metal recycling center, or
2 scrap metal processor;

3 (6) "Transaction," a pledge to buy, the purchase of, or the trade for any nonferrous metal
4 property by a scrap metal business from any person. A transaction does not include
5 a sale or trade involving any industrial or commercial account.

6 Section 2. Each scrap metal business shall keep records of each transaction involving the
7 purchase of nonferrous metal property that exceeds fifty dollars. The scrap metal business shall
8 be able to produce an accurate and legible record of each transaction involving nonferrous metal
9 property at the location where the scrap metal is purchased. The records shall contain the
10 following information:

11 (1) Time, date, location, and value of the transaction;

12 (2) Signature of the person selling the nonferrous metal property;

13 (3) Name, street address, city, state, and telephone number of the seller;

14 (4) Current drivers license number or other government issued picture identification card
15 number of the seller or, if no number is available, a copy of the seller's government
16 issued picture identification card;

17 (5) A description of the predominant types of nonferrous metal property involved in the
18 transaction, including the weight, quantity, or volume of the scrap nonferrous metal;
19 and

20 (6) Name of the employee representing the scrap metal business in the transaction.

21 Section 3. Any person selling any nonferrous metal property to a scrap metal business shall
22 sign a declaration. The declaration shall be included as part of the transactional record required
23 by section 2 of this Act or on the receipt for the transaction kept by the scrap metal business.
24 The declaration shall include the following statement: "I, the undersigned, affirm under penalty

1 of law that the property that is subject to this transaction is not to the best of my knowledge
2 stolen property."

3 An employee of the scrap metal business shall witness the signing and dating of the
4 declaration before the transaction may be consummated.

5 Section 4. The record and declaration required by this Act shall be open to the inspection
6 of any law enforcement officer at all times during the ordinary hours of business or at
7 reasonable times if ordinary hours of business are not kept. The record and declaration shall be
8 maintained at the location that the business is conducted for one year following the date of the
9 transaction.

10 Section 5. If a copy of the record of the transaction is requested by a law enforcement
11 officer, a scrap metal business shall furnish a full, true, and correct transcript of the record from
12 the purchase or receipt of the nonferrous metal property. This record shall be provided or
13 transmitted to the applicable law enforcement agency within two business days.

14 If the scrap metal business has good cause to believe that any nonferrous metal property in
15 the business's possession is lost or stolen, the scrap metal business shall promptly report that
16 fact to a law enforcement officer, together with the name of the owner, if known, and the date
17 of transaction and the name of the person from whom it was received.

18 Section 6. If the scrap metal business is notified by a law enforcement officer that an item
19 of nonferrous metal property has been reported as stolen, a scrap metal business shall hold that
20 property intact and safe from alteration, damage, or commingling, and shall place an identifying
21 tag or other suitable identification on the property. The scrap metal business shall hold the
22 property for a period of time as directed by the law enforcement agency up to a maximum of
23 ten business days.

24 A law enforcement officer may not place on hold any item of nonferrous metal property

1 unless that law enforcement agency reasonably suspects that the property is a lost or stolen item.
2 Any hold that is placed on the nonferrous metal property shall be removed within ten business
3 days. If the property on hold is determined not to be lost or stolen, the nonferrous metal property
4 shall be returned to the owner or released.

5 Section 7. Any person who:

6 (1) Deliberately removes, alters, or obliterates any manufacturer's make, model, or serial
7 number, personal identification number, or identifying mark engraved or etched upon
8 any nonferrous metal property in order to deceive a scrap metal business is guilty of
9 a Class 1 misdemeanor;

10 (2) Enters into a transaction to purchase or receive any nonferrous metal property where
11 the manufacturer's make, model, or serial number, personal identification number,
12 or identifying mark engraved or etched upon the property has been deliberately and
13 conspicuously removed, altered, or obliterated is guilty of a Class 1 misdemeanor;

14 (3) Knowingly makes, causes, or allows to be made any false entry or misstatement of
15 any material matter in any book, record, or writing required to be kept pursuant to
16 this Act is guilty of a Class 1 misdemeanor; or

17 (4) Signs the declaration required pursuant to this section 3 of this Act knowing that the
18 nonferrous metal property subject to the transaction is stolen is guilty of a Class 1
19 misdemeanor. The signature of a person on the declaration required pursuant to
20 section 3 of this Act constitutes evidence of intent to defraud a scrap metal business
21 if that person is found to have known that the nonferrous metal property subject to
22 the transaction was stolen.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

660P0536

SENATE LOCAL GOVERNMENT ENGROSSED NO. **SB 163** - 1/28/2008

Introduced by: Senators Sutton, Greenfield, and Peterson (Jim) and Representatives Olson (Russell), Gassman, Rausch, and Street

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the initiation of
2 modifications to county comprehensive plans.

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

4 Section 1. That § 11-2-28 be amended to read as follows:

5 11-2-28. The plan, ordinances, restrictions, and boundaries adopted pursuant to this chapter
6 may be amended, supplemented, changed, modified, or repealed by action of the board. Any
7 such modification or repeal shall be proposed in a resolution or ordinance, as appropriate,
8 presented to the board for adoption in the same manner and upon the same notice as required
9 for the adoption of the original resolution or ordinance. The amendment, supplement, change,
10 modification, or repeal may be requested through a petition by thirty percent of the landowners
11 in the zoning district or districts requesting change. For purposes of this section, the term,
12 landowner, means any person who owns land in the county as evidenced by records in the
13 offices of the register of deeds and clerk of courts. If land is sold under a contract for deed that
14 is of record in the office of the register of deeds in the county, both the landowner and the



- 1 individual purchaser of the land, as named in the contract, are treated as landowners.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

924P0521

SENATE STATE AFFAIRS ENGROSSED NO. **SB** **190** - 1/28/2008

Introduced by: Senators Hanson (Gary), Abdallah, Bartling, Heidepriem, Kloucek, Maher, Nesselhuf, Peterson (Jim), and Smidt (Orville) and Representatives Moore, Dennert, Gassman, Gillespie, Halverson, Nelson, Noem, and Sigdestad

1 FOR AN ACT ENTITLED, An Act to impose a fee on certain pipelines carrying crude oil and
2 to create a crude oil pipeline compensation fund that may be used in the event of a crude oil
3 spill.

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

5 Section 1. Terms used in this Act mean:

- 6 (1) "Barrel," a barrel is 42 U.S. gallons measured at 60 degrees Fahrenheit;
- 7 (2) "Crude oil," any unrefined liquid petroleum. Crude oil may range in density from
8 very light to very heavy and in color from yellow to black, may have a paraffin,
9 asphalt, or mixed base, and may include chemicals and elements which are
10 considered toxic and pollutants if released into the environment;
- 11 (3) "Crude oil pipeline company," any person that is transporting crude oil;
- 12 (4) "Department," the South Dakota Department of Revenue and Regulation;
- 13 (5) "Secretary," the secretary of the Department of Revenue and Regulation.



1 Section 2. There is hereby imposed a fee upon any crude oil transported by pipeline of two
2 cents per barrel of crude oil. Any crude oil company that transports averages less than ten
3 thousand barrels of crude oil per day by pipeline is exempt from the fee and provisions imposed
4 by this Act.

5 Section 3. There is hereby created in the state treasury the crude oil pipeline compensation
6 fund. The secretary shall deposit the fee collected pursuant to this Act in the crude oil pipeline
7 compensation fund. The fund may provide reimbursement of reasonable and necessary costs for
8 any corrective action in excess of ten thousand dollars for a crude oil release that may occur.
9 Reimbursement may include costs of an approved corrective action and third-party claims for
10 crude oil releases.

11 The fund shall be a participating fund and shall be credited for all interest earned on fund
12 balances. Expenditures from the fund may be made only upon approval by the Legislature. If
13 the balance in the fund exceeds thirty million dollars, the collection of the fee shall cease. If the
14 balance in the fund becomes less than five million dollars, collection of the fee shall resume.

15 Section 4. Any person who holds a license issued pursuant to this Act or who is a person
16 whose receipts are subject to the fees imposed by this Act shall, except as otherwise provided
17 in this section, file a return, and pay any fee due, to the Department of Revenue and Regulation
18 on or before the twentieth day of the month following each monthly period. The return shall be
19 filed on forms prescribed and furnished by the department. The secretary may grant an extension
20 of not more than five days for filing a return and remittance. Unless an extension is granted,
21 penalty or interest under § 10-59-6 shall be paid if a return or remittance is not made on time.

22 Section 5. Any crude oil pipeline company subject to the fee shall keep records of all crude
23 oil transported through the pipeline. The records are, at all times during business hours of the
24 day, subject to inspection by the department to determine the amount of fees due. The records

1 shall be preserved for a period of three years unless the secretary, in writing, authorized their
2 destruction or disposal at an earlier date.

3 Section 6. The secretary may promulgate rules, pursuant to chapter 1-26, concerning:

- 4 (1) License applications;
- 5 (2) The filing of returns and payment of the fee;
- 6 (3) Determining the application of the fee;
- 7 (4) Record-keeping requirements; and
- 8 (5) Determining auditing methods.

9 Section 7. Any person who:

- 10 (1) Makes any false or fraudulent return in attempting to defeat or evade the fee is guilty
11 of a Class 6 felony;
- 12 (2) Fails to pay the fee due under this Act within sixty days from the date the fee
13 becomes due is guilty of a Class 1 misdemeanor;
- 14 (3) Fails to keep the records required by this Act or refuses to exhibit these records to the
15 department for the purpose of examination is guilty of a Class 1 misdemeanor;
- 16 (4) Fails to file a return required by this Act within sixty days from the date the return
17 is due is guilty of a Class 1 misdemeanor;
- 18 (5) Engages in business as a crude oil pipeline without obtaining a license is guilty of a
19 Class 6 felony.

20 For purposes of this section, the term, crude oil pipeline company, includes corporate
21 officers having control, supervision of, or charged with the responsibility for making returns or
22 payments pursuant to this Act.

23 Section 8. If a corporation subject to the fee imposed by this Act fails for any reason to file
24 the required returns or to pay the fee due, any of its officers having control, or supervision of,

1 or charged with the responsibility for making such returns and payments are personally liable
2 for such failure. The dissolution of a corporation does not discharge an officer's liability for a
3 prior failure of the corporation to make a return or remit the fee due. The sum due for such a
4 liability may be assessed and collected as provided by law.

5 If any responsible corporate officer elects not to be personally liable for the failure to file
6 the required returns or to pay the fee due, the corporation shall provide the department with a
7 surety bond or certificate of deposit as security for payment of any fee that may become due.
8 The bond or certificate of deposit provided for in this section shall be in an amount equal to the
9 estimated annual fee imposed by the Act.

10 Section 9. Any real and personal property owned by a crude oil pipeline company is subject
11 to the real and personal property taxes levied by the state, counties, municipalities, townships,
12 or other political subdivisions of the state.