

State of South Dakota

EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

400N0262

SENATE BILL NO. 46

Introduced by: The Committee on Commerce at the request of the Department of Revenue
and Regulation

1 FOR AN ACT ENTITLED, An Act to clarify the tax exempt and licensure status of fraternal
2 benefit societies.

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

4 Section 1. That § 10-44-3 be amended to read as follows:

5 10-44-3. Farm mutual insurers organized and operating under chapter 58-35 and fraternal
6 benefit societies organized, licensed, or operating under chapter ~~58-37~~ 58-37A are hereby
7 declared to constitute a distinct and separate classification of insurance companies and shall be
8 exempt from the tax imposed by this chapter.

9 Section 2. That chapter 58-37A be amended by adding thereto a NEW SECTION to read
10 as follows:

11 The provisions of subdivision 58-37A-38(2) do not apply to any society, order, or
12 association which had a certificate of authority in this state as of July 1, 2006, nor to any society,
13 order, or association which is formed on or after July 1, 2007. Any society, order or association
14 not exempt pursuant to the provisions of this section shall hold a certificate of authority in this
15 state.

