

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

277N0577

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 104** - 02/09/2007

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

Introduced by: Senators Knudson, Abdallah, Albers, Dempster, Duenwald, Gant, Garnos, Gray, Hansen (Tom), Hauge, Hunhoff, Lintz, McCracken, McNenny, Olson (Ed), and Smidt (Orville) and Representatives Rhoden, Boomgarden, Brunner, Buckingham, Carson, Cutler, Davis, Deadrick, DeVries, Dreyer, Dykstra, Faehn, Gilson, Hackl, Hanks, Haverly, Heineman, Hills, Howie, Hunt, Jerke, Juhnke, Kirkeby, Koistinen, Krebs, Lust, McLaughlin, Nelson, Noem, Novstrup (Al), Novstrup (David), Olson (Betty), Olson (Russell), Olson (Ryan), Pederson (Gordon), Peters, Pitts, Putnam, Rausch, Rave, Rounds, Steele, Tidemann, Turbiville, Van Etten, Vanneman, Vehle, Weems, Wick, and Willadsen

1 FOR AN ACT ENTITLED, An Act to create and provide for the education enhancement  
2 tobacco tax fund and the health care tobacco tax fund.

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

4 Section 1. That chapter 4-5 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 There is hereby created in the state treasury the education enhancement tobacco tax fund.

7 All moneys in the education enhancement tobacco tax fund are subject to appropriation by the

8 Legislature through the General Appropriations Act or special appropriations acts for education

9 enhancement programs. Any interest earned shall be credited to the fund.

10 Section 2. That chapter 4-5 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 There is hereby created in the state treasury the health care tobacco tax fund. All moneys in  
3 the health care tobacco tax fund are subject to appropriation by the Legislature through the  
4 General Appropriations Act or special appropriations acts for health care related programs. Any  
5 interest earned shall be credited to the fund.

6 Section 3. That § 10-50-52 be amended to read as follows:

7 10-50-52. The first thirty million dollars in revenue collected annually pursuant to this  
8 chapter shall be deposited in the general fund. All revenue in excess of thirty million dollars  
9 collected annually shall be deposited in the tobacco prevention and reduction trust fund. Five  
10 million dollars of the revenue deposited annually in the tobacco prevention and reduction trust  
11 fund pursuant to this section shall be used to implement the tobacco prevention and reduction  
12 program. Thirty-three percent of any revenue deposited in the tobacco prevention and reduction  
13 trust fund in excess of five million dollars shall be transferred to the property tax reduction fund.  
14 Thirty-three percent of any revenue deposited in the tobacco prevention and reduction trust fund  
15 in excess of five million dollars shall be transferred to the education enhancement ~~trust~~ tobacco  
16 tax fund. Thirty-four percent of any revenue deposited in the tobacco prevention and reduction  
17 trust fund in excess of five million dollars shall be transferred to the health care ~~trust~~ tobacco  
18 tax fund.