

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0220

SENATE BILL NO. 7

Introduced by: The Committee on Commerce and Energy at the request of the Governor's
Office of Economic Development

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions allowing for the certification
2 of technology parks and to allow public or private developers to apply for certification.

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

4 Section 1. That § 6-18-2 be amended to read as follows:

5 6-18-2. The governing body of a political subdivision or a public or private developer may
6 apply to the Governor's Office of Economic Development for designation of all or part of the
7 area within ~~the political subdivision~~ its jurisdiction or service area as a ~~certified technology park~~
8 ~~or certified site and to enter into an agreement governing the terms and conditions of the~~
9 ~~designation~~. The application shall be in a form specified by the Governor's Office of Economic
10 Development and shall include information the Governor's Office of Economic Development
11 determines necessary to make the determinations required pursuant to this chapter.

12 Section 2. That chapter 6-18 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 For the purposes of this chapter, the term, certified site, means a site that has met the criteria
15 established in this chapter for certification as a site ready for development for industrial,



1 technological, or other business or educational purposes.

2 Section 3. That § 6-18-3 be repealed.

3 ~~6-18-3. The governing body of the political subdivision that established the certified~~
4 ~~technology park may enter an agreement with the Governor's Office of Economic Development~~
5 ~~establishing the terms and conditions governing a certified technology park designated pursuant~~
6 ~~to this chapter. Upon designation of the certified technology park under the terms of the~~
7 ~~agreement, the subsequent failure of any party to comply with the terms of the agreement may~~
8 ~~result in the termination or rescission of the designation of the area as a certified technology~~
9 ~~park. The agreement shall include all of the following:~~

10 ~~(1) A description of the area to be included within the certified technology park;~~

11 ~~(2) Any covenants and restrictions upon all or part of the properties contained within the~~
12 ~~certified technology park and terms of enforcement of any covenants or restrictions;~~

13 ~~(3) The financial commitments of any party to the agreement and of any owner or~~
14 ~~developer of property within the certified technology park;~~

15 ~~(4) The terms of any commitment required from a postsecondary educational institution~~
16 ~~or private research based institute for support of the operations and activities within~~
17 ~~the certified technology park;~~

18 ~~(5) The terms of enforcement of the agreement, which may include the definition of~~
19 ~~events of default, cure periods, legal and equitable remedies and rights, and penalties~~
20 ~~and damages, actual or liquidated, upon the occurrence of an event of default; and~~

21 ~~(6) The public or private facilities to be developed for the certified technology park and~~
22 ~~the costs of those public or private facilities, as approved by the Governor's Office~~
23 ~~of Economic Development.~~

24 ~~The governing body of the political subdivision and the Governor's Office of Economic~~

1 ~~Development shall maintain the confidentiality of any information that is submitted as part of~~
2 ~~this review process and marked as confidential.~~

3 Section 4. That § 6-18-4 be amended to read as follows:

4 6-18-4. The Governor's Office of Economic Development shall promulgate rules pursuant
5 to chapter 1-26 to:

6 (1) Prescribe the application procedures and the form and content of the application and
7 business plan for a ~~certified technology park~~ or certified site;

8 (2) Set the minimum criteria for an area to be designated as a ~~certified technology park~~
9 ~~or certified site, including access to roads, airports, utilities, and other infrastructure;~~

10 (3) Establish ~~certain level of financial and technical support for the certified technology~~
11 ~~park and the required evidence of public and private partnerships;~~

12 ~~(4) Establish terms and conditions on how the certified technology park may be operated~~
13 ~~including the ownership of facilities and buildings;~~

14 ~~(5) Determine the commitment of postsecondary, private, or federal research and~~
15 ~~development for the park;~~

16 ~~(6) Determine the commitment of the local governments and economic development~~
17 ~~organization to the park; and~~

18 ~~(7) Require certain documents and reports regarding the operation and activities of the~~
19 ~~park certified site to be filed with the Governor's Office of Economic Development;~~
20 ~~and~~

21 (4) Provide for the confidentiality of any application for certification and of any denial
22 of application for certification.