

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0168

SENATE COMMERCE AND ENERGY ENGROSSED NO. **SB 11** - 1/31/2012

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 authorize the Governor's Office of Economic
2 Development to create and administer a working capital loan program.

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

4 Section 1. That chapter 1-53 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 There is established within the state treasury a fund to be known as the small business credit
7 initiative fund for the purpose of making loans for economic development as permitted by the
8 Small Business Jobs Act of 2010, 12 U.S.C. 54.

9 Section 2. That chapter 1-53 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 The Governor's Office of Economic Development may accept, expend, or loan for the
12 purposes of this Act any funds previously received or to be obtained from federal sources and
13 any funds to be obtained from gifts, contributions, or any other source if such acceptance and
14 expenditure is reported as required by § 4-7-7.2.



1 Section 3. That chapter 1-53 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 Any repayment of loans and interest thereon shall be receipted into the small business credit
4 initiative fund and expended by the Governor's Office of Economic Development for the
5 following purposes:

6 (1) The payment of administrative costs as permitted pursuant to U.S. Office of
7 Management and Budget Circular A-87, Revised, as applicable, as in effect on
8 January 1, 2012;

9 (2) The payment of taxes and liens and for the procuring of legal services and any other
10 services necessary to protect, recover, maintain, or liquidate the assets of the small
11 business credit initiative fund as permitted pursuant to U.S. Office of Management
12 and Budget Circular A-87, Revised, as applicable, as in effect on January 1, 2012;
13 and

14 (3) The purpose of making loans for economic development as permitted by the Small
15 Business Jobs Act of 2010, 12 U.S.C. 54.

16 Section 4. That chapter 1-53 be amended by adding thereto a NEW SECTION to read as
17 follows:

18 The Governor's Office of Economic Development may take title by foreclosure or transfer
19 in lieu of foreclosure to any property given as security if the acquisition is necessary to protect
20 or collect any small business credit initiative loan and may sell, transfer, or convey any such
21 property to any responsible buyer.

22 Section 5. That chapter 1-53 be amended by adding thereto a NEW SECTION to read as
23 follows:

24 The meetings and deliberations of the Governor's Office of Economic Development

1 concerning small business credit initiative loans are confidential and are exempt from public
2 disclosure. Any documentary material or data made or received by the Governor's Office of
3 Economic Development for the purpose of acting upon an application for a small business credit
4 initiative loan or administering the loan, to the extent that such material or data consists of trade
5 secrets or commercial or financial information regarding the operation of such business, are not
6 considered public records, and are exempt from disclosure. Nothing in this section prohibits the
7 disclosure of confidential information to the extent necessary to collect or recoup the loan or as
8 may be required under applicable federal law.