

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

744T0489

HOUSE STATE AFFAIRS

ENGROSSED NO. **SB 162** - 2/24/2012

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

Introduced by: Senators Tidemann, Brown, Frerichs, Gray, Hansen (Tom), Haverly, Heineman, Hunhoff (Jean), Johnston, Olson (Russell), Peters, Rave, and Rhoden and Representatives Sly, Boomgarden, Conzet, Cronin, Dryden, Hawley, Kirkeby, Moser, Munsterman, Perry, Street, Vanneman, Wick, Willadsen, and Wismer

1 FOR AN ACT ENTITLED, An Act to provide for the designation of certified technology parks.

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

3 Section 1. Terms used in this Act mean:

4 (1) "GOED," the Governor's Office of Economic Development;

5 (2) "Governing body," the governing body of the sponsor;

6 (3) "High technology activity," includes any of the following:

7 (a) Advanced computing, which is any technology used in the design or
8 development of computer hardware and software, data communications, or
9 information technologies;

10 (b) Advanced materials, which are materials with engineered properties created
11 through the development of specialized process and synthesis technology;

12 (c) Biotechnology, which is any technology that uses living organisms, cells,



1 macromolecules, micro-organisms, or substances from living organisms to
2 make or modify a product, improve plants or animals, or develop
3 micro-organisms for useful purposes. Biotechnology does not include human
4 cloning or stem cell research with embryonic tissue;

5 (d) Electronic device technology, which is any research or technology that
6 involves:

7 (i) Microelectronics, semiconductors, or electronic equipment;

8 (ii) Instrumentation, radio frequency, microwave, and millimeter
9 electronics;

10 (iii) Optical and optic-electrical devices; or

11 (iv) Data and digital communications and imaging devices;

12 (e) Engineering or laboratory testing related to the development of a product;

13 (f) Technology that assists in the assessment or prevention of threats or damage
14 to human health or the environment, including environmental cleanup
15 technology, pollution prevention technology, or development of alternative
16 energy sources;

17 (g) Medical device technology, which is any technology that involves medical
18 equipment or products;

19 (h) Product research and development; or

20 (i) Advanced vehicles' technology, which is any technology that involves:

21 (i) Electric vehicles, hybrid vehicles, or alternative fuel vehicles; or

22 (ii) Components used in the construction of electric vehicles, hybrid
23 vehicles, or alternative fuel vehicles;

24 (4) "Sponsor," any incorporated municipality, county, or improvement district created

1 pursuant to chapter 7-25A.

2 Section 2. The governing body of a sponsor may apply to GOED for designation of all or
3 part of the area within the sponsor's jurisdictional area as a certified technology park. The
4 application shall be in a form specified by GOED and shall include information GOED deems
5 necessary to make the determinations required pursuant to this Act.

6 Section 3. After receipt of an application submitted pursuant to section 2 of this Act, GOED
7 may designate a certified technology park for a period of five years if GOED determines that
8 the designation is in the best interests of economic development within this state and the
9 proposed certified technology park satisfies the following criteria:

- 10 (1) A firm commitment from at least one business engaged in a high technology activity
11 creating a significant number of jobs at the proposed site;
- 12 (2) A firm demonstration of support from a postsecondary educational institution, a
13 public or private institute that engages in research, a public or military research and
14 development or testing facility on an active United States government military base
15 or other military installation located within, or in the vicinity of, the proposed
16 certified technology park, or a laboratory or other research facility owned, operated
17 or funded by the United States located within, or in the vicinity of, the proposed
18 certified technology park; and
- 19 (3) A firm demonstration of support from an economic development organization within
20 the sponsor's jurisdictional area.

21 Section 4. Within thirty days of the first anniversary of designation and within thirty days
22 of each anniversary thereafter, the sponsor shall furnish on forms provided by GOED all of the
23 following information:

- 24 (1) Total employment and payroll levels for businesses operating within the certified

1 technology park;

2 (2) The nature and extent of any technology transfer and research activity occurring
3 within the certified technology park;

4 (3) The nature and extent of any nontechnology businesses operating within the certified
5 technology park; and

6 (4) An analysis of the certified technology park's overall contributions to the
7 technology-based economy in this state.

8 Section 5. The sponsor may apply to GOED for renewal of the designation of a certified
9 technology park. The application shall be on forms supplied by GOED and shall be filed at least
10 three months prior to the expiration of the existing designation. GOED may renew the
11 designation of a certified technology park for up to five additional years if the requirements of
12 section 3 of this Act continue to be met and if the sponsor has complied with section 4 of this
13 Act.

14 Section 6. GOED may conduct, or cause to be conducted, such inspections and reviews of
15 the proposed certified technology park site and books and records relating to the application for
16 certification or recertification as GOED deems appropriate to carry out the provisions of this
17 Act.

18 Section 7. Each application for designation of a certified technology park, each application
19 for renewal of a designation, and all information related to any such applications, to the extent
20 not already in the public domain, shall be held in confidence by GOED and may not be made
21 available to the public prior to designation. If designation or redesignation is denied, the denial
22 shall remain confidential and no record of the application may be made available to the public.
23 If a designation or redesignation is granted, the information provided to GOED in connection
24 with the application and the information provided pursuant to section 4 of this Act shall be

1 available for public inspection and for use in marketing the certified technology park.

2 Section 8. GOED may revoke the designation of a certified technology park after notice and
3 a hearing conducted pursuant to the provisions of chapter 1-26 if the sponsor fails to comply
4 with section 4 of this Act or if the site no longer qualifies for designation as a certified
5 technology park.