



2022 South Dakota Legislature
House Bill 1051
ENROLLED

AN ACT

ENTITLED An Act to amend certain provisions relating to the small business credit initiative fund.

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

Section 1. That § 1-53-15 be AMENDED:

1-53-15. There is established within the state treasury a fund to be known as the small business credit initiative fund for the purpose of making loans for economic development as permitted by 12 U.S.C. Chapter 54 (2021).

Section 2. That § 1-53-16 be AMENDED:

1-53-16. For the purposes of §§ 1-53-15 to 1-53-19, inclusive, the Board of Economic Development may accept, expend, or loan any funds previously received or to be obtained from federal sources and any funds to be obtained from gifts, contributions, or any other source if such acceptance and expenditure is reported as required by § 4-7-7.2.

Section 3. That § 1-53-17 be AMENDED:

1-53-17. Any repayment of loans and interest thereon must be receipted into the small business credit initiative fund and expended by the Board of Economic Development for the following purposes:

- (1) The payment of administrative costs as permitted pursuant to 2 C.F.R Part 200 Subpart E, as applicable, as in effect on January 1, 2022;
- (2) The payment of taxes and liens and for the procuring of legal services and any other services necessary to protect, recover, maintain, or liquidate the assets of the small business credit initiative fund as permitted pursuant to 2 C.F.R Part 200 Subpart E, as applicable, as in effect on January 1, 2022; and

- (3) Making loans for economic development as permitted by 12 U.S.C. Chapter 54 (2021).

Section 4. That § 1-53-18 be AMENDED:

1-53-18. The Board of Economic Development may take title by foreclosure or transfer in lieu of foreclosure to any property given as security if the acquisition is necessary to protect or collect any small business credit initiative loan and may sell, transfer, or convey any such property to any responsible buyer.

Section 5. That § 1-53-19 be AMENDED:

1-53-19. The deliberations of the Board of Economic Development concerning small business credit initiative loans are confidential and are exempt from public disclosure. Any documentary material or data made or received by the Board of Economic Development or the Governor's Office of Economic Development for the purpose of acting upon an application for a small business credit initiative loan or administering the loan, to the extent that such material or data consists of trade secrets or commercial or financial information regarding the operation of such business, are not considered public records, and are exempt from disclosure. Nothing in this section prohibits the disclosure of confidential information to the extent necessary to collect or recoup the loan or as may be required under applicable federal law.

An Act to amend certain provisions relating to the small business credit initiative fund.

I certify that the attached Act originated in
the:
House as Bill No. 1051

Received at this Executive Office
this ____ day of _____,
2022 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2022

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2022
at _____ o'clock ___ M.

Secretary of the Senate

Secretary of State

House Bill No. 1051
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State