

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

780R0164

## HOUSE BILL NO. 1209

Introduced by: Representative Dennert and Senator Maher

1 FOR AN ACT ENTITLED, An Act to revise certain property tax limitations.

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

3 Section 1. That § 10-13-35 be amended to read as follows:

4 10-13-35. This section does not apply to school districts. For taxes payable in 1997, and  
5 each year thereafter, the total amount of revenue payable from taxes on real property within a  
6 taxing district, excluding the levy pursuant to § 10-13-36, may increase no more than the lesser  
7 of three percent or the index factor, as defined in § 10-13-38, over the amount of revenue  
8 payable from taxes on real property in the preceding year, excluding the amount of taxes levied  
9 pursuant to § 10-13-36. After applying the index factor, a taxing district may increase the  
10 revenue payable from taxes on real property above the limitations provided by this section by  
11 the percentage increase of value resulting from any improvements or change in use of real  
12 property, annexation, minor boundary changes, and any adjustments in taxation of property  
13 separately classified and subject to statutory adjustments and reductions under chapters 10-4,  
14 10-6, 10-6A, and 10-6B, except § 10-6-31.4, only if assessed the same as property of equal  
15 value. A taxing district may increase the revenue it receives from taxes on real property above



1 the limit provided by this section for taxes levied to pay the principal, interest, and redemption  
2 charges on any bonds issued after January 1, 1997, which are subject to referendum, scheduled  
3 payment increases on bonds and for a levy directed by the order of a court for the purpose of  
4 paying a judgment against such taxing district. A county may increase the revenue it receives  
5 from taxes on real property above the limitations provided by this section if the additional tax  
6 is levied pursuant to § 7-25-1. Any taxing district created after the effective date of this section  
7 is exempt from the limitation provided by this section for a period of two years immediately  
8 following its creation.